

CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK

334
07/08

001105

RECOMMENDATIONS

COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

Project Manager **must** complete the following information for the Council docket:

CASE NO. Project No. 97653

STAFF'S

Please indicate recommendation for each action. (ie: Resolution / Ordinance)

Deny the appeal and uphold the Planning Commission's approval of the Vesting Tentative Map, including the request to waive the requirement to underground existing overhead utilities. Do not approve the applicant's request to defer requirement improvements.

PLANNING COMMISSION (List names of Commissioners voting yea or nay)

Note: At the time of the Planning Commission hearing, there was one unfilled position on the Planning Commission. Also, Commissioner Naslund was not present at this hearing.

YEAS: Smiley, Ontai, Otsuji, Schultz

NAYS: Griswold

ABSTAINING: None

TO: Approve the proposed project (staff's recommendation). The Planning Commission did not support the applicant's request to defer the required improvements contained within the building conditions report.

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP: Normal Heights Planning Committee

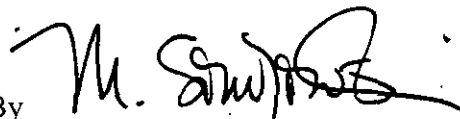
- ☐ No officially recognized community planning group for this area.
- ☐ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☐ Community Planning Group has been notified of this project and has not taken a position.
- ☒ Community Planning Group has recommended approval of this project.
- ☐ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor: 12

Opposed: 0

Abstain: 1

By



Michelle Sokolowski, Project Manager



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: February 8, 2008 **REPORT NO.** PC-08-017

ATTENTION: Planning Commission, Agenda of February 14, 2008

SUBJECT: ~~4334~~ ⁴⁵³² FELTON VESTING TENTATIVE MAP; PROJECT NO. 97653
PROCESS FOUR

OWNER: 4532 Felton Street, LLC

APPLICANT: Sterling Land Services, Inc.

SUMMARY

Issue(s): Should the Planning Commission approve a Vesting Tentative Map to allow the conversion of seven existing residential rental units into condominiums, including a waiver of the requirement to underground the existing overhead utilities, at 4532-34 Felton Street, within the Normal Heights neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. **Approve** Vesting Tentative Map No. 318386; and
2. **Approve** a waiver of the requirement to underground the existing overhead utilities.

Community Planning Group Recommendation: The Normal Heights Planning Committee voted 12-0-1 to recommend approval of the proposed project on March 6, 2007, with recommendations described within this report (Attachment 7).

Environmental Review: This project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301, on March 15, 2006, and the opportunity to appeal that determination ended April 5, 2006.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: With the proposed conversion of 7 existing apartments to condominiums, there would be a loss of 7 rental units and a gain of 7 for-sale units. The project is subject to the current inclusionary housing and tenant relocation assistance regulations.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations that became effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations and this project can proceed to its discretionary hearing.

The 0.152-acre site is located 4532-34 Felton Street, in the RM-1-2 Zone of the Central Urbanized Planned District and the Transit Area Overlay Zone, within the Normal Heights neighborhood of Mid-City Communities Plan area (Attachment 2). The site is presently developed with one two-story structure containing seven apartment units consisting of six 2-bedroom units and one 1-bedroom unit. There are nine parking spaces on the site: four garages accessed from the alley at the rear, four carports accessed from Felton Street at the front, and one uncovered space, also accessed from Felton Street at the front. The site is surrounded by multi-family properties.

The existing buildings were constructed in 1984 when the site was zoned R-600, which would have allowed for the current density of seven units. The site is currently zoned RM-1-2, which would allow one unit per 2,500 square feet of lot area, or three units on this 6,652-square-foot project site. The Community Plan designates the site for multi-family development at a rate of 16-20 dwelling units per acre, or two to three units allowed on this site. The current parking regulations for newly constructed projects would require a total of 13 off-street parking spaces. The current parking regulations for condominium conversion projects would require a total of nine off-street parking spaces. As discussed previously, the new condominium conversion parking requirements that were approved in June 2006, do not apply to this project.

The development complies with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property. The project maintains previously conforming rights which allow the current parking and density count, as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

DISCUSSION

Project Description:

The project proposes a Tentative Map for the subdivision of a 0.152-acre site into one lot to

convert seven existing dwelling units into condominiums (Attachment 5). The applicant is also requesting that the requirement to underground the existing overhead utilities be waived.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decisionmaker may approve a Tentative Map or a Vesting Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

Undergrounding of Existing Utilities

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility (less than 600 feet in length), the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 21 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 20 of the draft Tentative Map resolution.

The project site is served by power poles and overhead utilities lines located in the alley right-of-way at the rear of the property on the opposite side of the alley. These utility lines also service the adjacent properties. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3Z, and the date for undergrounding has been established for the year 2029 (Attachment 10).

Community Planning Group and Neighborhood Recommendations:

On March 6, 2007, the Normal Heights Planning Committee voted 12-0-1 to recommend approval of the Vesting Tentative Map with the following recommendations:

- Create additional greenspace for the project.
- Try to place a 10th parking space on the side of the building.
- Recommend using Bradley Pear or African Sumac trees in lieu of Carrotwood or Ornamental Pear - but the minutes indicate that landscape was not "make or break for the project."

- The minutes from this meeting also indicate that "the hedge in front of the carport was well received."

These recommendations were reviewed with the applicant, who was expressed openness to the suggestions, but felt that incorporating the landscape recommendations would require the loss of one parking space in the front drive. The applicant did not want to reduce the amount of parking spaces. A possible solution by the applicant would be to include a space at the alley adjacent to the garages as a parking space, which was not included in the count because it was 9 feet wide (the Land Development Code requirement is a minimum width of 9.5 feet because it is adjacent to the property line fence). This issue was reviewed with engineering staff, and because the project conforms to the current requirements for parking, staff did not support this option.

Project-Related Issues:

All condominium conversion projects not yet heard by July 25, 2006, must conform with the current regulations regarding: inclusionary housing, tenant relocation benefits, the provision of a building conditions report, conformance with landscape regulations, and conformance with noticing requirements. This project is not required to conform with the new parking regulations for condominium conversions, based on specific language adopted by the City Council.

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants on June 30, 2005 (Attachment 11).

Inclusionary Housing Ordinance and Tenant Relocation Benefits Conformance:

The project has been conditioned to require the subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

The applicant has elected to pay an in-lieu fee of \$6,698.75 (\$1.25 x 5,359 square feet) to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

Building Conditions Report and Landscape Requirements

In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within Land Development Code (Chapter 14, Article 4, Division 5) and have been accepted by staff as conforming with the regulations.

Noticing

The proposed project has been conditioned to conform with all new noticing requirements for condominium conversions.

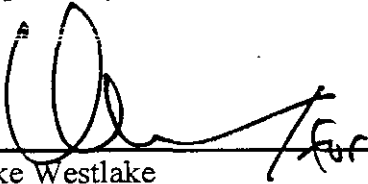
Conclusion:

Staff has reviewed the request for a Vesting Tentative Map for the conversion of seven residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Vesting Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

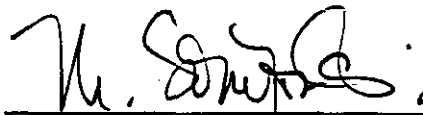
ALTERNATIVES:

1. **Approve Vesting Tentative Map No. 318386, with modifications.**
2. **Deny Vesting Tentative Map No. 318386 if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department

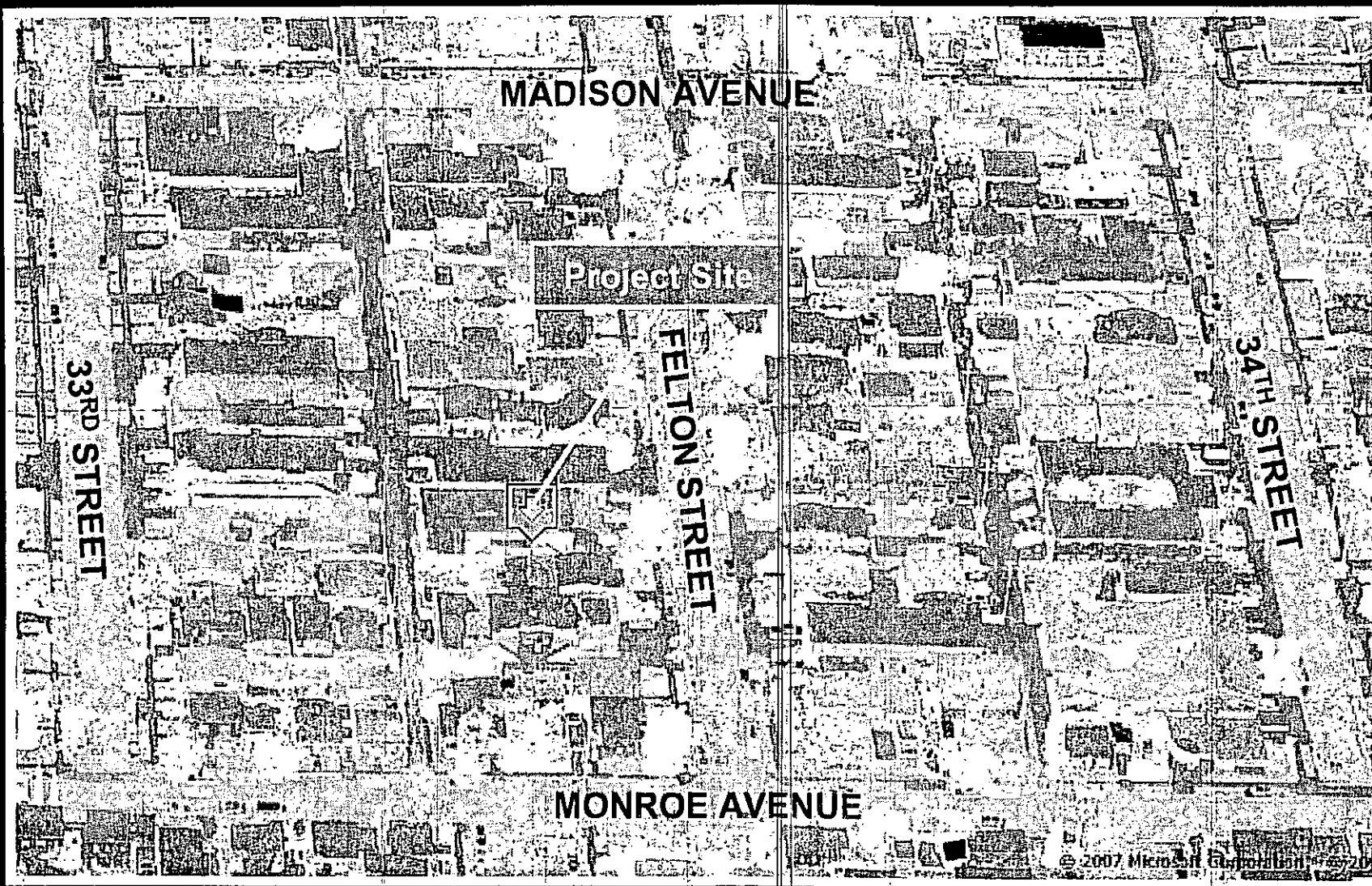


Michelle Sokolowski
Development Project Manager
Development Services Department

WESTLAKE/MS

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map and Landscape Plan
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. Utility Undergrounding Master Plan Map
11. Sample 60-Day Notice of Intent to Convert
12. Photos of Existing Elevations
13. Building Conditions Report (under separate cover)

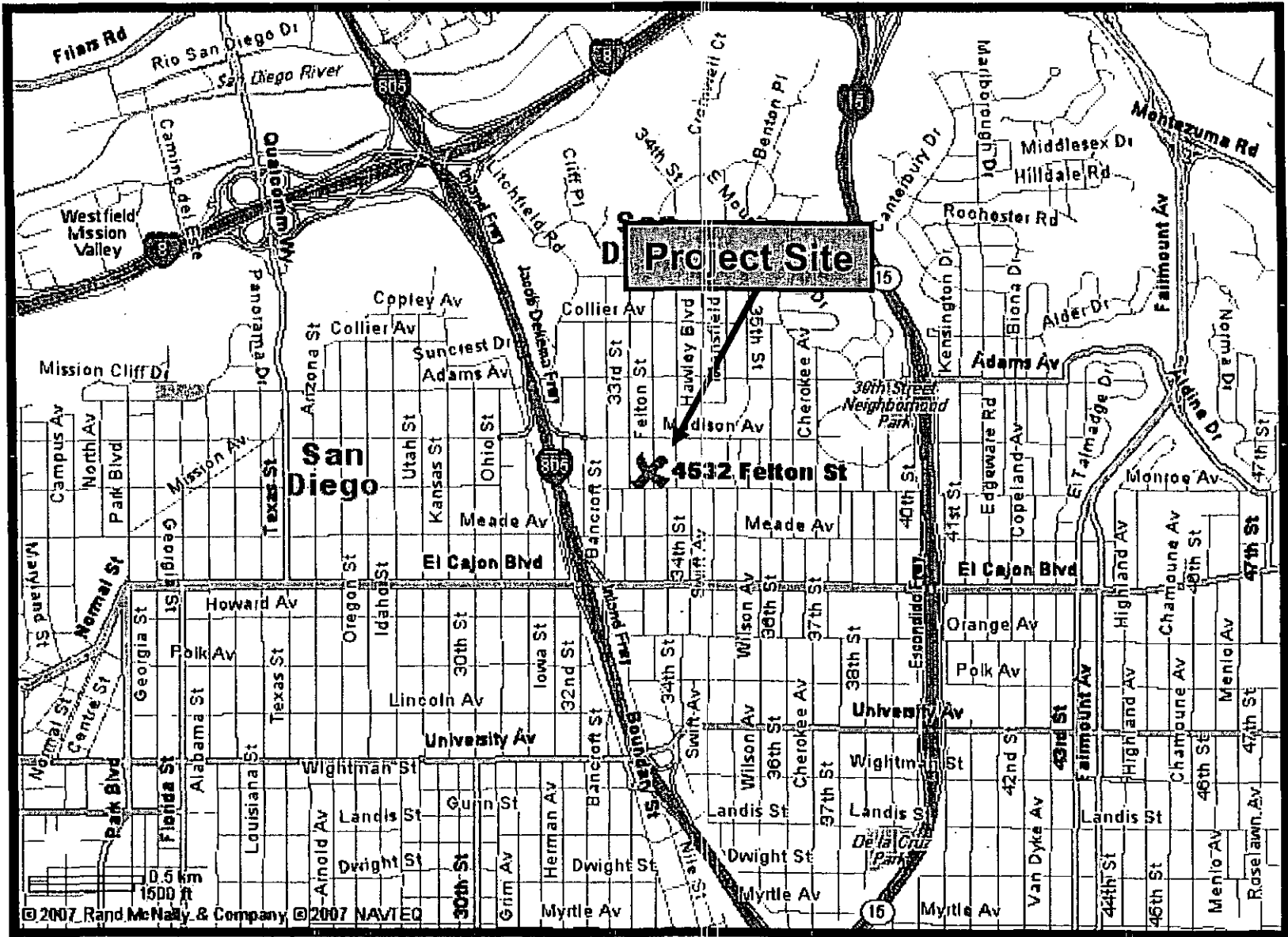


Aerial Photo

4532 FELTON VESTING TM - PROJECT NUMBER 97653

4532-34 Felton Street





Project Location Map

4532 FELTON VESTING TENTATIVE MAP – PROJECT NO. 97653
4532-34 FELTON STREET

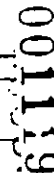


001117

PROJECT DATA SHEET

PROJECT NAME:	4532 Felton Vesting Tentative Map.			
PROJECT DESCRIPTION:	Conversion of 7 existing units into condominiums.			
COMMUNITY PLAN:	Normal Heights neighborhood of the Mid-City Communities Plan			
DISCRETIONARY ACTIONS:	Vesting Tentative Map			
COMMUNITY PLAN LAND USE DESIGNATION:	Multi-family Residential			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <u>CURRENT ZONING INFORMATION:</u> ZONE: RM-1-2; Multi-family residential DENSITY: 3 units allowed HEIGHT LIMIT: 30 feet LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.90 maximum. FRONT SETBACK: 15 feet SIDE SETBACK: 5 feet STREETSIDE SETBACK: 10 feet REAR SETBACK: 15 feet PARKING: 9 spaces required </td> <td style="width: 50%; vertical-align: top;"> <u>CONSTRUCTED</u> R-600 7 Two-story 6,652 square feet Not available 29.5 feet 4.7 feet N/A 7.1 feet 9 spaces </td> </tr> </table>			<u>CURRENT ZONING INFORMATION:</u> ZONE: RM-1-2; Multi-family residential DENSITY: 3 units allowed HEIGHT LIMIT: 30 feet LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.90 maximum. FRONT SETBACK: 15 feet SIDE SETBACK: 5 feet STREETSIDE SETBACK: 10 feet REAR SETBACK: 15 feet PARKING: 9 spaces required	<u>CONSTRUCTED</u> R-600 7 Two-story 6,652 square feet Not available 29.5 feet 4.7 feet N/A 7.1 feet 9 spaces
<u>CURRENT ZONING INFORMATION:</u> ZONE: RM-1-2; Multi-family residential DENSITY: 3 units allowed HEIGHT LIMIT: 30 feet LOT SIZE: 6,000 square-foot minimum lot size. FLOOR AREA RATIO: 0.90 maximum. FRONT SETBACK: 15 feet SIDE SETBACK: 5 feet STREETSIDE SETBACK: 10 feet REAR SETBACK: 15 feet PARKING: 9 spaces required	<u>CONSTRUCTED</u> R-600 7 Two-story 6,652 square feet Not available 29.5 feet 4.7 feet N/A 7.1 feet 9 spaces			
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE		
NORTH:	RM-1-2, Multi-family Residential	Multi-family Residential		
SOUTH:	RM-1-2, Multi-family Residential	Multi-family Residential		
EAST:	RM-1-2, Multi-family Residential	Multi-family Residential		
WEST:	RM-1-2, Multi-family Residential	Multi-family Residential		
DEVIATIONS OR VARIANCES REQUESTED:	None			
COMMUNITY PLANNING GROUP RECOMMENDATION:	On March 6, 2007, the Normal Heights Planning Committee voted 12-0-1 to recommend approval of the Vesting Tentative Map with recommendations.			

CITY PROJECT NO. 97653



FD-302 (Rev. 11-27-70)	FILE NO.	DATE	TIME	BY
------------------------	----------	------	------	----

LANDSCAPE CALCULATIONS - CONDOMINIUM CONVERSION

STREET YARD

PLANTING AREA REQUIRED	PLANT AREA PROVIDED	EXCESS AREA PROVIDED
TOTAL AREA 1,475 SQ.FT. X 50% = 738 SQ.FT.	528 SQ.FT.	0 SQ.FT.

PLANTING POINTS REQUIRED	PLANT POINTS PROVIDED	EXCESS POINTS PROVIDED
TOTAL AREA 1,475 SQ.FT. X 8.0% = 74 POINTS	200 POINTS	200 POINTS

POINTS ACHIEVED W/ TREES 200 POINTS

PLANTING AREA ALLOWABLE AS HARDSCAPE OR PAVING	PROVIDED
TOTAL AREA 738 SQ.FT. X 10% = 74 SQ.FT.	74 SQ.FT.

SUBSTITUTIONS

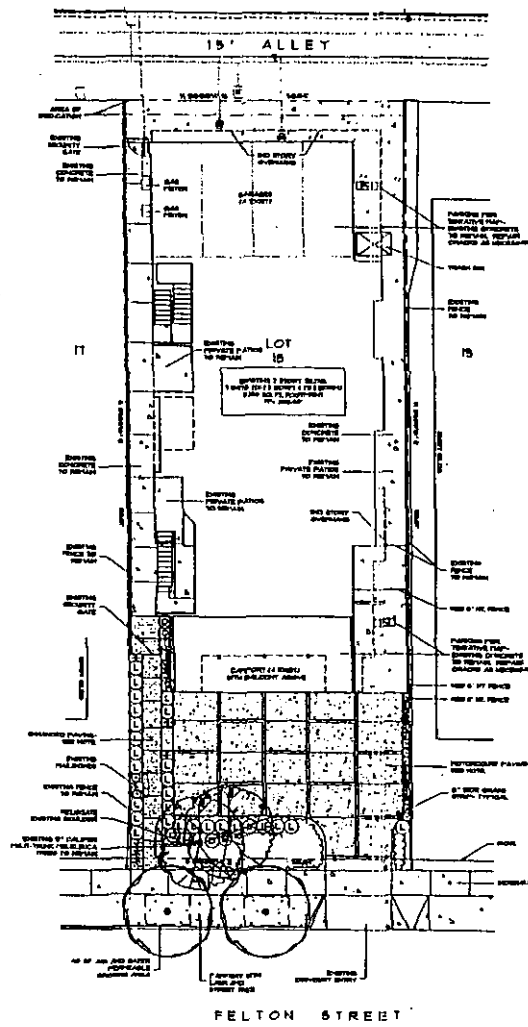
MAX. ALLOWED PLANTING AREA REDUCTION
TOTAL AREA 738 SQ.FT. X 25% = 185 SQ.FT.

REQUIRED EXCESS POINTS FOR REDUCTION (1 SQ. FT. = 1 POINT)	EXCESS POINTS PROVIDED	EXCESS POINTS NEEDED
REDUCTION AREA 185 SQ.FT. X 1 = 185 POINTS	200 POINTS	15 POINTS

PLANTING AREA REQUIRED WITH SUBSTITUTION	PLANT AREA PROVIDED	EXCESS AREA PROVIDED
PLANTING AREA REQD 738 - 185 = 553 SQ.FT.	528 SQ.FT.	0 SQ.FT.

STREET TREE

NUMBER OF STREET TREES REQUIRED	PROVIDED
STREET FRONTAGE 30' X 7' / 30' L.F. = 1.4 TREES	2 TREES



PLANT LEGEND

SYMBOL	SIZE	QTY	BOTANICAL NAME	COMMON NAME
1"	1" BOLL	1	CUPANOPSIS ANAGARDIENSIS	CUPANOPSIS TREE STANDARD - MIN. SIZE 7-10 FT X 2-4 SPREAD
2"	2" BOLL	27	ADAPANTHUS AFRICANUS	DEEP BLUE BELLFLOWER
3"	3" BOLL	6	DIETER VISTA	PORTWINE LILY
4"	4" BOLL	31	LOQUETUM A. TEXANUM	TEXAS PRUIT (MAINTAINABLE 5 FT. HEIGHT)
5"	5" BOLL	1	PYRUS PARNASSIA	EVERGREEN PLUM ESPALLIER
6"	6" BOLL	1	POUR PUNILA	CREEPING FIG ESPALLIER (REMOVE TRELLIS & ATTACH TO FENCE)
7"	7" BOLL	1	SAZANA BLANCO YELLOW	SEMI-TRELLISING YELLOW SAZANA
8"	8" BOLL	1	CHAMP TALL PERSIC	SHAWNEE 1 ALT. W/ ANNUAL TURN

GENERAL NOTES

Confirmation: All landscape and irrigation shall be installed and maintained in accordance with the City of San Diego's Landscape Regulations, the Land Development Manual Landscape Standards, and all other landscape related City and Regional Standards as of the approved date of these plans.

Maintenance

This project shall be maintained by the Home Owners Association who shall assume responsibility for the long term landscape maintenance including the landscaping in the adjoining public right of way. The landscape areas shall be free of debris and litter and all plant material shall be maintained in a healthy growing condition.

Planting, Irrigation, and Landscaping in the Public Right of Way

- One street tree per 30 feet of property frontage with in the public ROW.
- Provide a 48 sq. ft. air and water permeable growing area per street tree, minimum 30 sq. ft. per tree. Minimum dimension (width) of the planting area to be 6 ft.
- MINIMUM TREE/IMPROVEMENT SEPARATION DISTANCE:
 - TRAFFIC SIGNALS (STOP SIGNS): 10 FT.
 - UNDERGROUND UTILITY LINES - 5 FT. (10 FT. FOR DEEPER)
 - ABOVE GROUND UTILITY LINES - 10 FT.
 - DRIVEWAYS (ENTRIES) - 10 FT.
 - INTERSECTIONS (INTERSECTING CURB LINES OF 2 STREETS) - 25 FT.

Root Barriers: "Bio-Barrier" root barriers (or equal) shall be provided for all newly installed trees within 5 ft. of any landscape, pavement, wall, building or curb. Root Barriers will not be wrapped around the rootball and shall be 34" deep and 10" in length. Length to be centered on rootball.

Mulch: All required planting areas shall be covered with mulch to a minimum depth of 3 inches, excluding slopes requiring revegetation and areas planted with groundcover. All exposed soil areas without vegetation shall also be mulched to this minimum depth.

Edicard Paving: Edicard paving to be color and texture overlay on existing concrete. Repair cracks as necessary.

Colorcoat Paving: Colored concrete with integral color and seed broom finish. Color to be selected by owner. Reinforce per industry standard. Deepen tool scar/ expansion joints as shown. 6" wide spacing for turf where shown.

SHEET INDEX

L-1	PLANTING PLAN
L-2	IRRIGATION PLAN
L-3	PLANTING AND IRRIGATION DETAILS
L-4	IRRIGATION SPECIFICATIONS
L-5	LANDSCAPE SPECIFICATIONS



THE KEMP COMPANIES, INC.

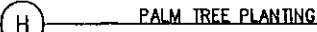
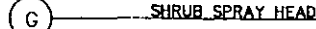
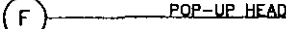
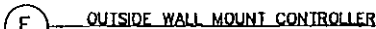
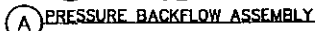
CONSULTING LANDSCAPE ARCHITECTS INC.
1401 PUEBLO, CA 92130
TEL: (619) 234-1401
FAX: (619) 234-1401

PROJECT FILE # 45334

Felton Street Condominiums

4532-4534 Felton

San Diego, CA 92110



IRRIGATION SPECIFICATIONS

NOTE: THE GENERAL AND SPECIAL CONDITIONS NOTED HEREIN ARE AN INHERENT PART OF THE LANDSCAPE PLANS AND MUST BE CAREFULLY CONSIDERED IN CONNECTION HEREWITH.

1. PURPOSE OF THE SPECIFICATIONS

1.1 IT IS THE INTENT OF THESE SPECIFICATIONS THAT:

- THE WORK OF ASSEMBLING AND INSTALLING THE SPRINKLER SYSTEM WILL BE COMPLETED IN AN EFFICIENT AND SATISFACTORY MANNER ACCORDING TO THE HIGHEST STANDARDS ESTABLISHED FOR SPRINKLER INSTALLATION AND OPERATION.
- THE FINISHED SYSTEM SHALL BE COMPLETE IN EVERY RESPECT AND SHALL BE LEFT READY FOR OPERATION TO THE SATISFACTION OF THE OWNER. ACCORDINGLY, THE REQUIREMENTS OF THESE SPECIFICATIONS ARE A PART OF THE SPRINKLER SYSTEM CONTRACT.

1.1. SCOPE OF WORK

- THE WORK INCLUDED IN THESE SPECIFICATIONS SHALL CONSIST OF THE FURNISHING OF ALL LABOR, TOOLS, MATERIALS, PERMITS, APPLIANCES, TAXES AND ALL OTHER COSTS, FORESEEABLE AND UNFORESEEABLE AT THE TIME OF CONTRACTING, NECESSARY AND APPROPRIATE FOR THE INSTALLATION OF A SPRINKLER SYSTEM AS HEREIN SPECIFIED AND SHOWN ON THE ACCOMPANYING DRAWINGS.
- NO DEVIATION FROM THESE SPECIFICATIONS, OR FROM THE AGREEMENT, OR FROM THE SPECIAL CONDITIONS IS AUTHORIZED AND NO SUCH DEVIATION SHALL BE MADE, UNLESS THE WRITTEN AUTHORIZATION THEREOF, SIGNED BY THE OWNER OR HIS DULY APPOINTED REPRESENTATIVE HAS BEEN OBTAINED IN ADVANCE.

1.1. GENERAL CONDITIONS

A. EXECUTION, CORRELATION AND INTENT OF DOCUMENTS: THE CONTRACTOR SHALL COMPLY WITH THE TRUE INTENT AND MEANING OF THE DRAWINGS AND SPECIFICATIONS TAKEN AS A WHOLE AND SHALL NOT AVOID, MISLEAD TO THE DETRIMENT OF THE WORK OF ANY UNWARRANTED ERROR OR OMISSION SHOULD ANY EXIST. FINISHES, SHADINGS ON THE DRAWINGS SHALL TAKE PRECEDENCE OVER MEASUREMENTS BY SCALE, AND DETAIL DRAWINGS FURNISHED SHALL TAKE PRECEDENCE OVER GENERAL DRAWINGS SO FURNISHED.

B. SURVEYS, PERMITS AND REGULATIONS: THE OWNER SHALL FURNISH ALL SURVEYS UNLESS OTHERWISE SPECIFIED. PERMITS AND LICENSES NECESSARY FOR THE EXECUTION OF THE WORK INCLUDING, BUT NOT LIMITED TO, BUILDING PERMITS FROM THE CITY OR COUNTY BUILDING DEPARTMENT AUTHORIZED TO PERMIT THE WORK, SHALL BE SECURED AND PAID FOR BY THE CONTRACTOR.

C. DRAWINGS AND VERIFICATION OF DIMENSIONS

- ALL IRRIGATION SHALL BE IN ACCORDANCE WITH PLANS AND SPECIFICATIONS.
- THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS INDICATED ON THE PLAN. THE CONTRACTOR SHALL ACKNOWLEDGE THAT HE HAS VERIFIED ALL DIMENSIONS AND SHALL INDICATE ALL DISCREPANCIES IN PLAN PLUM, IF ANY. ANY INDICATED DISCREPANCIES WILL BE CORRECTED IMMEDIATELY BY THE OWNER BY FIELD MEASUREMENTS AND IF ANY DISCREPANCY BE FOUND, THE OWNER SHALL AUTHORIZE IN WRITING, ALL NECESSARY ADDITIONS OR CORRECTIONS, IF ANY.

D. PLANS ARE DIAGRAMMATIC AND APPROXIMATE: ALL VALVES AND BACKFLOW DEVICES SHALL BE LOCATED IN PLANTING AREAS. LOCATE EQUIPMENT IN SHADY AREAS WHEREVER POSSIBLE. ALL PIPING SHALL BE LOCATED ALONG EDGES OF PLANTING AREAS EXCEPT WHERE INFEASIBLE TO DO. SPACING OF SPRINKLER HEADS AND LOCATIONS OF VALVES AND VACUUM BREAKERS SHALL BE AS INDICATED ON THE DRAWINGS WITH CONSIDERATION BEING GIVEN TO PREVAILING WIND CONDITIONS.

E. CHANGES: THE OWNER AND CONTRACTOR HEREBY AGREE THAT THE OWNER OR HIS REPRESENTATIVE SHALL HAVE THE RIGHT TO MAKE ANY CHANGES TO THE IRRIGATION SYSTEM AND THEIR LOCATIONS WITHOUT ADDITIONAL COST TO THE OWNER.

F. EXISTING CONDITIONS: PRIOR TO SUBMISSION OF HIS BID, CONTRACTOR SHALL EXAMINE THE SITE AND SATISFY HIMSELF AS TO THE CONDITIONS THEREOF.

G. SITE CONFERENCE: PRIOR TO COMMENCING WORK ON THE PROJECT, THE CONTRACTOR SHALL ATTEND AN ON SITE CONFERENCE WITH THE OWNER AND AT THIS TIME THE CONTRACTOR SHALL LAY OUT THE SYSTEM FOR APPROVAL.

H. CODES: ALL WORKMANSHIP AND MATERIALS SHALL CONFORM TO LOCAL BUILDING AND PLUMBING CODES HAVING JURISDICTION.

I. QUANTITIES: THE QUANTITIES LISTED ON IRRIGATION LEADS ARE NOT GUARANTEED AND ARE FOR CONTRACTOR'S CONVENIENCE ONLY.

J. PROTECTION OF WORK AND PROPERTY: THE CONTRACTOR SHALL BE LIABLE FOR AND SHALL TAKE THE FOLLOWING ACTIONS, AS THEY MAY BE REQUIRED, WITH REGARD TO DAMAGE TO ANY OF THE OWNER'S PROPERTY.

1.1 ANY EXISTING BUILDINGS, EQUIPMENT, PIPING, PIPE COVERING, ELECTRICAL, MECHANICAL, SEWER, OR OTHER UTILITIES OR STRUCTURE OF ANY KIND DAMAGED (INCLUDING WITHOUT LIMITATION, DAMAGE FROM LEAKS IN THE PIPING SYSTEMS BEING INSTALLED OR HAVING BEEN INSTALLED BY CONTRACTOR) BY THE CONTRACTOR, OR HIS AGENTS, EMPLOYEES, OR SUBCONTRACTORS DURING THE COURSE OF HIS WORK, WHETHER THROUGH NEGLIGENCE OR OTHERWISE, SHALL BE REPLACED OR REPAIRED BY THE CONTRACTOR AT HIS OWN EXPENSE IN A MANNER SATISFACTORY TO THE OWNER, WHICH REPAIR OR REPLACEMENT SHALL BE A CONDITION PRECEDENT TO THE OWNER'S OBLIGATION TO MAKE FINAL PAYMENT UNDER THE CONTRACT.

1.2 CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR DAMAGES TO ANY WORK COVERED BY THESE SPECIFICATIONS BEFORE FINAL ACCEPTANCE OF THE WORK. HE SHALL SECURELY COVER ALL OPENINGS INTO THE SYSTEMS AND COVER ALL APPARATUS, IN PLACE TO PREVENT OBSTRUCTIONS IN THE PIPES AND THE BACKFLOW, MISUSE OR DISOBLIGATION OF THE APPARATUS, EQUIPMENT OR APPLIANCE.

1.3 CONTRACTOR SHALL ADEQUATELY PROTECT ADJACENT PROPERTY AS PROVIDED BY LAW AND CONTRACT DOCUMENT.

K. ACCESS TO AND INSPECTION TESTING AND APPROVAL OF WORK

K.1 CLOSING OF UNINSPECTED WORK: CONTRACTOR SHALL NOT CAUSE OR ALLOW ANY OF HIS WORK TO BE COVERED OR ENCLOSED UNTIL IT HAS BEEN INSPECTED, TESTED AND APPROVED BY THE OWNER. SHOULD ANY OF HIS WORK BE COVERED OR ENCLOSED BEFORE SUCH INSPECTION AND TEST, HE SHALL UNCOVER THE WORK AT HIS OWN EXPENSE IN ORDER TO AFFORD THE NECESSARY INSPECTION BY THE OWNER.

K.2 REINJECTION OR TESTING OF WORK UNAPPROVED OR WORK FAILING INITIAL TESTING OR INSPECTION: SUCH WORK SHALL BE REINJECTED OR RETESTED. CONTRACTOR WILL PAY FOR ANY ADDITIONAL TRIPS FOR REINJECTION OR RETESTING AT THE RATE OF \$75.00 PER HOUR OF THE OWNER'S OR HIS AUTHORIZED REPRESENTATIVE'S TIME ON THE JOB, PLUS EXPENSES, INCLUDING OVERTIME PAYMENTS DUE TO THE CONTRACTOR NEXT FOLLOWING THE DATE OF FAILURE OF INSPECTION OR TESTING BASED UPON THE OWNER'S REASONABLE ESTIMATE OF THE TIME REQUIRED FOR REINJECTION OR RETESTING.

K.3 SUPERINTENDENCE - SUPERVISION: THE CONTRACTOR SHALL KEEP ON HIS WORK, DURING ITS PROGRESS, A COMPETENT SUPERINTENDENT AND ANY NECESSARY ASSISTANTS, ALL SATISFACTORY TO THE OWNER. THE SUPERINTENDENT SHALL REPRESENT THE CONTRACTOR IN HIS DEALINGS WITH ALL DIRECTOR PERSONS WHO SHALL BE AS BINDING AS IF GIVEN TO THE CONTRACTOR. HE SHALL BE FAMILIAR WITH ALL CONTRACT DOCUMENTS, PLANS, SPECIFICATIONS AND DETAILS AND SHALL HAVE A COMPLETE SET OF PLANS ON THE JOB AT ALL TIMES.

IV. SPECIAL CONDITIONS

A. IRRIGATION SYSTEM

A.1 THE IRRIGATION SYSTEM SHALL INCLUDE ALL MATERIALS AND THEIR INSTALLATION IN ACCORDANCE WITH PLANS AND SPECIFICATIONS PREPARED BY THE OWNER.

A.2 ALL PRESSURE LINES, NON-PRESSURE LINES, VALVES AND MISCELLANEOUS SPRINKLER HEADS SHALL BE MANUFACTURED, SUPPLIED AND INSTALLED IN STRICT ACCORDANCE WITH THE SPECIFICATIONS DETAILED IN THE HEREIN MENTIONED IRRIGATION PLANS AND SPECIFICATIONS.

A.3 SUBSTITUTION OF MATERIALS: SIZES OR MANUFACTURERS WILL NOT BE ALLOWED UNLESS THE OWNER AGREE TO ANY PROPOSED CHANGES IN WRITING.

B. CLEAN UP

B.1 KEEP THE PREMISES CLEAN AND FREE OF EXCESS EQUIPMENT, MATERIALS AND RUBBISH INCIDENTAL TO WORK OF THIS SECTION.

B.2 UPON COMPLETION OF THE WORK, THE CONTRACTOR SHALL REMOVE HIS MATERIAL, EQUIPMENT AND RASTE TO THE SATISFACTION OF THE OWNER.

C. RESPONSIBILITY

C.1 PROTECT IRRIGATION WORK AND WORK OF OTHERS AT ALL TIMES IN PERFORMANCE OF IRRIGATION WORK.

C.2 PROTECT ALL MATERIALS FROM THEFT, CONTROLLERS FROM WEATHER, UNTIL END OF MAINTENANCE PERIOD.

C.3 CAREFULLY NOTE ALL ESTABLISHED GRADES BEFORE COMMENCING WORK. RESTORE ANY ESTABLISHED GRADE DAMAGED DURING COURSE OF THIS WORK TO ORIGINAL CONTOURS.

D. MATERIALS

D.1 GENERAL: MATERIALS SHALL INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING ITEMS: ALL PRESSURE SUPPLY LINES, NON-PRESSURE LINES, VARIOUS TYPES OF VALVES, CONTROLLERS, BACKFLOW PREVENTION UNITS, HOSE BIBBS, DRIP IRRIGATION EQUIPMENT, AND ALL TYPES OF SPRINKLER HEADS. ALL MATERIALS AND EQUIPMENT SHALL BE NEW, OF DOMESTIC MANUFACTURE AND CONFORM TO THE PERFORMANCE STANDARDS AND/OR DATA HEREIN, AS IS SHOWN IN LEADS OR DRAWINGS, INSTALLED IN STRICT ACCORDANCE WITH CONSTRUCTION DETAILS.

D.2 PIPE LINES: REFER TO DRAWINGS FOR SIZE

D.3.1 PIPE: EXTRUDED FROM 100% VIRGIN POLYVINYL CHLORIDE (PVC), TYPE 1, GRADE 11, CLASS 200 OR SCH 40 MATERIAL PER PLANS

D.3.2 ALL PLASTIC PIPE SHALL BE CONTINUOUSLY AND PERMANENTLY MARKED WITH THE FOLLOWING INFORMATION: MANUFACTURER'S NAME, NOMINAL PIPE SIZE, PVC 1120 AND PRESSURE RATING IN P.S.I.

D.4.2 COUPLINGS: SHALL BE MADE FROM EXTRUDED STOCK, REAMED WITH A TAPER.

D.4.3 ALL PLASTIC FITTINGS: A MOLDED FITTING.

D.5 SPRINKLER HEADS: ALL HEADS TO BE TYPE AND MODEL AS INDICATED ON LEADS AND BE INSTALLED WITH PRESSURE REDUCING SCREENS &/OR ANTI-DRAIN VALVES IF INDICATED ON LEADS. INSTALL AS INDICATED ON DETAILED DRAWINGS.

D.6 BALL & GATE VALVES: SEE LEADS FOR TYPE & MODEL. ALL VALVES TO BE HOUSED IN A BOX AS NOTED ON PLANS.

D.7 REMOTE CONTROL VALVES & AUTOMATIC CONTROLLER: SHALL BE PER MODEL AND TYPE AS INDICATED ON DRAWINGS. VALVES SHALL BE WIRING TO CONTROLLER IN SAME MANNER, REDUCING AS INDICATED ON PLANS.

D.8 CONTROL WIRE: ALL DIRECT BURIAL CONTROL WIRE SHALL BE BODY. SINGLE CONDUCTOR BUILT: COPPER. PER VALVE MANUFACTURER'S RECOMMENDATIONS, 14 GA. MINIMUM FOR COMMON DRINK RETURN WIRE.

E. SITE CONDITIONS

E.1 EXERCISE EXTREME CAUTION IN EXCAVATING AND WORKING NEAR EXISTING UTILITIES SHOWN ON DRAWINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR DAMAGES TO UTILITIES WHICH ARE CAUSED BY HIS OPERATION OR NEGLIGENCE.

E.2 COORDINATE INSTALLATION OF ALL IRRIGATION MATERIALS, INCLUDING PIPE, INSTALLATION OR UTILITIES AND OTHER CONSTRUCTION.

F. PHYSICAL LAYOUT

F.1 PRIOR TO INSTALLATION, CONTRACTOR SHALL STAKE OUT ALL PRESSURE SUPPLY LINES, ROUTING AND LOCATIONS OF SPRINKLER HEADS.

F.2 ALL LAYOUTS SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

F.3 ALL SPRINKLER HEADS SHALL BE SET AT A FINISH HEIGHT TO ACCOMMODATE AND CONSIDER GROWTH OF ADJACENT PLANT MATERIALS. HEADS SHALL NOT BE LOCATED BEHIND ANY PLANT MATERIAL SUCH THAT FUTURE GROWTH WOULD IMPAIR THE EFFECTIVENESS OF THAT HEAD. THE OWNER'S REPRESENTATIVE SHALL BE NOTIFIED OF ALL CONDITIONS BEFORE INSTALLATION.

G. WATER SUPPLY

G.1 CONNECT SPRINKLER OR DRIP IRRIGATION SYSTEM TO OUTLETS AS INDICATED ON DRAWINGS.

G.2 CONNECTION SHALL BE MADE AT APPROXIMATE LOCATIONS SHOWN ON DRAWINGS. CONTRACTOR IS RESPONSIBLE FOR WINDOR DAMAGES CAUSED BY ACTUAL SITE CONDITION.

G.3 WATER SUPPLY SHALL BE CLEAN, FREE OF SUSPENDED PARTICLES, ALGAE, OR CHEMICALS THAT MAY FORM INSOLUBLE PRECIPITATES IN THE EQUIPMENT OR MAY BE DETRIMENTAL TO PLANTINGS.

H. ASSEMBLIES

H.1 ROUTING OF PRESSURE LINES AND LATERALS, AS INDICATED ON DRAWINGS, IS DIAGRAMMATIC. INITIAL LINES, ELBOWS AND VARIOUS ASSEMBLIES IN SUCH A MANNER AS TO CONFORM WITH PLANS AND DETAILS.

H.2 INSTALL ALL ASSEMBLIES SPECIFIED HEREIN IN ACCORDANCE WITH RESPECTIVE DETAIL. IN ABSENCE OF DETAIL, DRAWINGS OR SPECIFICATIONS PERTAINING TO SPECIFIC ITEMS REQUIRED TO COMPLETE WORK, PERFORM SUCH WORK IN ACCORDANCE WITH BEST STANDARD PRACTICE WITH PRIOR APPROVAL OF OWNER.

H.3 LINE CLEARANCE: ALL LINES SHALL HAVE A MINIMUM OF 6" CLEARANCE FROM EACH OTHER, AND FROM LINES OF OTHER TRADES. PARALLEL LINES SHALL NOT BE INSTALLED DIRECTLY OVER ONE ANOTHER.

H.4 TRENCHING: DIG TRENCHES STRAIGHT AND SUPPORT PIPE CONTINUOUSLY ON BOTTOM OF TRENCH. LAY PIPE TO AN EVEN GRADE. TRENCHING DEPTH SHALL FOLLOW LAYOUT INDICATED ON DRAWINGS AND DETAILS. DEPTH OF PIPE PER PLANS.

H.5 TRENCH WIDTH: TRENCHES FOR IRRIGATION PRESSURE LINES SHALL BE EXCAVATED WIDE ENOUGH TO ALLOW A MINIMUM OF 4" BETWEEN PARALLEL PIPE LINES AND 8" FROM EDGES OF OTHER TRADES. LINES SHALL NOT BE INSTALLED PARALLEL AND DIRECTLY OVER ONE ANOTHER. WITHIN 18" VERTICAL CLEARANCE BETWEEN CROSSING IRRIGATION LINES, MINIMUM TRANSVERSE ANGLE IS 45 DEGREES.

I. SLEEPING

I.1 ALL PIPE AND WIRE UNDER VEHICULAR PAVING SHALL BE INSTALLED IN PVC SCHEDULE 40 SLEEVES. SLEEVES SHALL BE AT LEAST TWICE THE DIAMETER OF THE PIPE OR WIRE BUNDLES TO BE ENCLOSED, WITH A MINIMUM OF 2" SIZE.

I.2 SLEEPING SHALL BE MARKED AT EACH END AT THE TIME OF INSTALLATION WITH A PAINTED SPOT 34 BACK FACE OF THE CURB OR OTHER SIMILAR MARKING.

I.3 MARKING TAPE: METALLIC BACKED LOCATING TAPE SHALL BE INSTALLED ALONG THE ENTIRE LENGTH OF THE SLEEVE, 12" DIRECTLY ABOVE THE SLEEVE. TAPE SHALL BE MARKED "IRRIGATION" IN 2" CAPITAL LETTERS EVERY THREE FEET ALONG THE TAPE.

N. BACKFILLING: CONTACT BACKFILL FOR TRENCHING TO DRY DENSITY EQUAL TO ADJACENT UNDISTURBED SOIL AND CONFORM TO ADJACENT GRADES WITHOUT SETTS, BUMPED AREAS, HATS OR OTHER UNDESIRABLEITIES. PLACE INITIAL BACKFILL ON ALL NON-PRESSURE LINES OF A FINE GRANULAR MATERIAL, NO FOREIGN MATERIAL LARGER THAN 1/2" IN SIZE WILL BE PERMITTED.

O. TESTING

O.1 NO TESTING SHALL TAKE PLACE, NOR SHALL ANY WATER BE ALLOWED INTO ANY SYSTEM, BEFORE THE SOLVENT MANUFACTURER'S RECOMMENDATION DURING TIME HAS ELAPSED.

O.2 TEST ALL PRESSURE LINES UNDER HYDROSTATIC PRESSURE OF 125 LBS. PER SQ. IN. AND TEST ALL NON-PRESSURE LINES UNDER EXISTING STATIC PRESSURE TO PROVE BOTH WATER TIGHT.

O.3 SUSTAIN PRESSURE IN LINES FOR NOT LESS THAN FOUR HOURS. IF LEAKS DEVELOP, REPLACE JOINTS AND REPEAT TEST UNTIL ENTIRE SYSTEM IS PROVEN WATER TIGHT.

O.4 TEST SHALL BE OBSERVED AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO BACKFILL.

O.5 UPON COMPLETION OF EACH PHASE OF WORK, ENTIRE SYSTEM SHALL BE TESTED AND ADJUSTED TO MEET SITE REQUIREMENTS.

O.6 THE ABOVE TESTING SHALL BE COMPLETED AND APPROVED PRIOR TO PLANTING OF ALL PLANTS EXCEPT SPECIMEN TREES.

O.7 HEADS IN PLANTING AREAS SHALL BE ADJUSTED FOR COVERAGE AND HEIGHT AS DIRECTED BY THE LANDSCAPE ARCHITECT.

P. INSPECTION OF WORK: INSTALLATION AND OPERATIONS MUST BE APPROVED BY LANDSCAPE ARCHITECT AS SPECIFIED UNDER GENERAL CONDITIONS. FINAL INSPECTION WILL BE MADE AT THE COMPLETION OF THE LANDSCAPE MAINTENANCE PERIOD.

Q. COVERAGE TEST: WHEN THE SPRINKLER SYSTEM IS COMPLETED THE CONTRACTOR SHALL PERFORM A COVERAGE TEST IN THE PRESENCE OF THE OWNER OR LANDSCAPE ARCHITECT TO DETERMINE IF THE COVERAGE IS COMPLETE AND ADEQUATE. THE CONTRACTOR SHALL BE RESPONSIBLE TO CORRECT INADEQUACIES OF COVERAGE ONLY WHERE DRAWING AND DIRECTION BY OWNER HAVE NOT BEEN FOLLOWED.

R. ADJUSTMENT OF SYSTEM

R.1 ADJUST VALVES, AND ALIGNMENT AND COVERAGE OF ALL SPRINKLER HEADS.

R.2 IF IT IS DETERMINED THAT ADJUSTMENT IN THE IRRIGATION EQUIPMENT WILL PROVIDE PROPER AND MORE ADEQUATE COVERAGE, CONTRACTOR SHALL MAKE ALL NECESSARY ADJUSTMENT PRIOR TO FINALIZING PROJECT.

R.3 ALL ADJUSTMENTS SHALL BE MADE TO THE SATISFACTION OF THE OWNER.

S. GUARANTEE

S.1 THE WORK INCLUDED ON THESE PLANS SHALL BE GUARANTEED AGAINST ALL DEFECTS AND MALFUNCTION OF WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL ACCEPTANCE BY THE OWNER. SHOULD ANY TROUBLE DEVELOP WITHIN THE TIME SPECIFIED ABOVE, ALL NECESSARY REPAIRS AND/OR REPLACEMENTS SHALL BE MADE BY THE CONTRACTOR IN AN EXPEDIENT MANNER, AT NO ADDITIONAL COST TO THE OWNER. THE OWNER RETAINS THE RIGHT TO HAVE DEFERRED REPAIRS WITHOUT RELYING ON THE CONTRACTOR'S GUARANTEE OBLIGATIONS.

S.2 IN THE EVENT THE CONTRACTOR DOES NOT RESPOND TO THE OWNER'S REQUEST FOR REPAIR WORK UNDER THIS GUARANTEE WITHIN A PERIOD OF 48 HOURS, THE OWNER MAY MAKE SUCH REPAIRS AS HE MAY DEEM NECESSARY AT THE FULL EXPENSE OF THE CONTRACTOR.

S.3 ANY SETTLING OF BACKFILLED TRENCHES WHICH MAY OCCUR DURING THE GUARANTEE PERIOD SHALL BE REPAIRED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER, INCLUDING A COMPLETE RESTORATION OF ALL DAMAGED PLANTING, PAVING OR OTHER IMPROVEMENTS OF ANY KIND.

S.4 THE CONTRACTOR SHALL INSTRUCT THE OWNER'S REPRESENTATIVE AND FUTURE MAINTENANCE PERSONNEL IN THE OPERATION OF ALL SYSTEMS.

S.5 THE CONTRACTOR SHALL FURNISH THE OWNER WITH THE FOLLOWING MATERIALS UPON COMPLETION OF THE WORK:

1. MANUAL VALVE KEY PER EACH ANGLE CONTROL VALVE.
2. CONTROLLER KEYS FOR EACH CONTROLLER.
3. SET OF "AS BUILT" DRAWINGS ON REPRODUCIBLE MATERIAL WHICH SHALL INCLUDE LOCATIONS OF ALL MAINS, VALVES, SOURCE OF ELECTRICAL POWER FOR CONTROLLER CLOCK, CONTROL VIRE SLEEVES, VALVES, AND BELOW GRADE HEADS HAVING A RADIUS OF 30". LOCATE BY DIMENSIONING FROM 2 FIXED POINTS.
4. PLASTIC SEALED DIAGRAMMATIC PLAN OF SYSTEM IDENTIFYING STATION NUMBERS AND AREA THEY WATER. MOUNT A PLAN INSIDE EACH CONTROLLER.
5. QUICK COUPLER KEYS & HOSE STEEVLS.
6. VALVE BOX LID KEYS.
7. ALL EQUIPMENT GUARANTEES AND MANUALS INCLUDING OPERATION MANUAL FOR AUTOMATIC CONTROLLERS AND VALVES.



001125

PLANNING COMMISSION
RESOLUTION NO.
VESTING TENTATIVE MAP NO. 318386
4532 FELTON VESTING TENTATIVE MAP - PROJECT NO. 97653
DRAFT

WHEREAS, 4532 FELTON STREET, LLC., Applicant/Subdivider, and STERLING LAND SERVICES, INC., SURVEYOR, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 318386, for the conversion of 7 existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities. The project site is located on the west side of Felton Street between Monroe and Madison Avenues at 4532-34 Felton Street, and is legally described as Lot 18, Block 64 of the Resubdivision of Blocks 39 and 56, Normal Heights, Map No. 1048, in the RM-1-2 Zone of the Central Urbanized Planned District and the Transit Area Overlay Zone, within the Normal Heights neighborhood of Mid-City Communities Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.152-acre site into one (1) lot for a seven-unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is seven; and

WHEREAS, on February 14, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 318386, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (tentative map), 125.0444 (condo conversion), and 144.0240 (underground) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 318386:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, which notice shall be provided within 5 working days of the issuance

001127

of the Subdivision Public Report.. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).

9. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (Land Development Code Section 144.0504(b)).
15. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).
16. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
17. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.

18. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
19. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length), the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
20. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Vesting Tentative Map No. 318386, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to 4532 FELTON STREET, LLC., Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Vesting Tentative Map will expire February 14, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
4. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City

001129

shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

5. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
6. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
7. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
8. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
9. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
10. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

11. Prior to recordation of the Final Map the Subdivider shall comply with the *affordable housing requirements of the City's Inclusionary Housing Ordinance* (Chapter 14, Article 2, Division 13 of the Land Development Code) by paying an in-lieu fee of \$6,698.75 (\$1.25 x 5,359 square feet), satisfactory to the Housing Commission.
12. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.
13. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. The subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

ENGINEERING

15. The subdivider shall dedicate and improve an additional 2.5 feet of the adjacent alley.
16. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
17. The subdivider shall replace the damaged driveway, the damaged areas of the on site parking area and replace the non standard curb and gutter with full height curb and gutter, all adjacent to the site on Felton Street, satisfactory to the City Engineer.
18. The subdivider shall replace the damaged sidewalk panels, adjacent to the site on Felton Street, satisfactory to the City Engineer.
19. The subdivider shall obtain an Encroachment Maintenance Removal Agreement for the enhanced paving, landscape, irrigation and appurtenances within the Felton St. right-of-way, satisfactory to the City Engineer.

001131

20. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
21. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
22. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
23. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

24. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
25. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
26. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said

Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER AND WATER

27. Water and Sewer Requirements:

- a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
- b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

LANDSCAPE

28. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
29. Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the Subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.
30. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

31. The Landscape Construction Plan shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
32. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
33. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
34. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

INFORMATION:

- The approval of this Vesting Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the

imposition within 90 days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON FEBRUARY 14, 2008.

By

Michelle Sokolowski
Development Project Manager
Development Services Department

Job Order No. 42-6154



Tuesday June 19th, 2007

Minutes for Tuesday March 6, 2007

Normal Heights Community Planning Committee

See Page 3 for 000551
001135

Normal Heights Community Planning Group
Minutes - March 6, 2007

Members Present: Suzanne Ledebor, Holly Ritter, Jessica McGee, Steven Jareb, Jim Baross, Rudy Burlin, Richard Rios, Kerry Sheldon, Morris Dye, Dino Serafini, Earlene Thom, Jessica Oliver, Susan Redelings

Members Absent: David Van Pelt

Guests: Rich Mansur, Judy Elliot, Jeff Parsons, Melyssa Sheeran, Conni Musser, John Hartley, Gary Weber,

Meeting called to order. Welcome and introductions.

Minutes: Approval of February minutes with the following corrections: Elections for new board members are to replace Judy Elliott and David Van Pelt. To be nominated/elected you must: attend one board meeting, be at least eighteen years of age and be a resident of Normal Heights. (Dye/Ritter) (13-0-0)

Public Comment:

None

Reports:

1. City Planning and Community Investment Dept - Melissa Devine. (619) 235-5201
Absent - Nothing to report.

2. 3rd District Office - Monica Pelaez (619) 533-4068

Adding restrooms to 39th street Park. Recommendation to use river rock for the restroom wall with a chocolate brown trim and roof. Still open to suggestions. On Tuesday March 24, 2007 at 7pm a meeting will be held for final recommendations.

Monica thanked the NHCPG board for their involvement with SDYCS residential program. When kids turn 18 years of age they need to leave other support programs, so there is nowhere for them to go.

Crime issues previously brought up by Jim Baross were passed on by Monica to captain Swanger. Which were passed on to other officers.

Mayor's office is working on a housing day that will deal with housing issues.

Suzanne Ledebor asked what was happening with the renaming of the 39th Street Park.

Jessica McGee: What is happening with part of the park that is not complete? Near the school there is an area of unfinished landscaping.

Judy Elliot asked about a city council hearing on business process.

Jim Baross asked about the pathway through the park to the school, which is locked. Suzanne Ledebor: Vons and Rite Aid entrance no have red painted curbs, which can improve visibility when exiting the parking lot from the driveways.

001136
3. 70th Assembly District - Melanie Cohn. (619) 645-3090
Absent - Nothing to report.

ATTACHMENT 7

Information Items

1. Community Planners Committee (CPC) General Plan update progress. Rudy Burlin.

They had the next community plan for the city. Reviewed Historic Preservation and Noise elements. Next month they will be covering the land use mobility and urban design elements. The next meeting is March 27th, 2007 and will be held at the Metropolitan Water Plant in the Kearney Mesa area.

2. Liability/Indemnification of Planning Group members - information from City Attorney Mike Aguirre and CPC actions. Jim Baross

At our last meeting Abby Wolfshiemer stated that we are on our own. If there is judgment against a member group proposed to request that City council working on getting the City Attorney to come up with a alternative plan. Mike Aguirre stated that we are covered. Form a committee to draft new language that we are protected from liability. It was suggested that we ask the city council have the city attorney draft this language for us.

3. Affordable Housing Density Bonus at City Council

Was heard last week but now has been postponed to a later date.

Judy Elliott: is concerned that there is lots of information about a 30ft height limit at the coast. But that height limit applies to the rest of the city. If that is changed than developers using the density bonus can build beyond 30ft. Allowing the developer to get 25-35% more development. Not really addressing the affordability issue. They can build fewer parking spaces; add more height, fee waivers. In a political sense, builders are going to the state level to bypass local political groups. The state mandates what we need to do for housing. State sets a one size fits all legislation, yet allow for tweaking by lobbyists.

Jim Baross stated that planning employees stated that these developments would still need to go through the same process.

Judy stated that the Department of Development Services is the one that issues permits and makes decisions not the Planning Department. Worry always.

4. List available of new construction projects and total for Development Impact Fees (DIF).

12 projects within the past 12 years \$2417 per development. That is money that we should see here in Normal Heights. Approximately \$33,000 of DIF. Good to have a list with priorities in which to spend the DIF. Next meeting we will add an item on the agenda.

Gary Weber: There are also park fees, which are accounted by the Mid-City community planning area. There is an accounting problem; the accounts should be accounted for by community not the planning area.

Judy Elliott: Park fees, how are they assessed?

Monica Pelaez: Park fees have now been eliminated; they are all DIF's.

Gary Weber: Historically park fees were collected and there is a sum of money out there.

Jim Baross: Summary - What fees, where are they, how much, and how can we get at them? Then draft a list of priorities that we want to address.

Action Items

1. Board member and officer nominations, preparation for elections to fill six vacancies

Nominations: Looking for residents, property owners, or business owners. Nominations for Earlene Thom, Dino Serafini, Holly Ritter, Richard Rios, John Hartley, Jeff Underwood, Melyssa Sheeran,

001137
John Dye and Melyssa Sheeran requested to take their names off the ballot. Jeff Parsons
nominated by Melyssa Sheeran. Write in.

All nominees that accepted were elected.

Returning Board Members Elected: Earlene Thorn, Dino Serafini, Holly Ritter and Richard Rios.

New Board Members Elected: Jeff Parsons, Jeff Underwood (not in attendance).

2. Project Review, property 4532 Felton St. (Project #97653) a seven-unit condo conversion, Rick Mansur.

Five 2bed 2bath one 2bed 1bath & one 1bed 1bath. Garages are not functional; create green space in front of garages,

Currently there are 9 off-street parking spaces, looking to adjust so that there will be 10 spaces. No tandem parking. May try to squeeze the 10th space on the side of the building.

Jessica McGee: recommended not using Carrotwood trees because they are really messy. She suggested something like an Ornamental Pear.

Judy Elliott: recommended not using an Ornamental Pear. She suggested a Bradley Pear or an African Sumac.

Hedge in front of carport was well received.

Landscaping not make or break for the project.

Motion (Serafini/Dye) (12-0-1) with the suggestions about the parking and landscaping.

3. Project Review, property 4411 Cherokee Ave (Project 112481) condo conversion of two existing single-family homes.

Using map-waiver process to divide two homes on one lot to sell them separately. No changes, except for minor changes suggested by the city. The project will remain the same.

One home is in the back; there is access to the front

CC&R's will regulate it, but there will not be an association.

Issues with organization between homeowners.

Motion (Ledeboer/Serafini) (11-1-1)

4. Route 15 Bus Rapid Transit proposal to send to City Land Use and Housing Committee

Gary Weber & Gus: Back in the early 1990's there was a MOU to dedicate the center of the I-15 for transit. Now because of NAFTA, SANDAG and Caltrans are looking to use those lanes for commercial trucking. Gary and Gus asked the board to endorse a challenge to current efforts to renege on previous mitigations including environmental (Air Quality) and public transit (Bus Rapid Transit). SANDAG also wants to update regional transportation plan to reflect HOV lane and not bus rapid transit. Re-Affirm previous commitments. Bringing this to land-use and housing committee.

Morris suggests that we add language that allows for possible change to light-rail in the future. Jim and Gus stated that the language is flexible enough for either form of transit.

Steve Jareb suggested adding language to letter that emphasizes enclosed transit stations to protect riders from elements (noise, exhaust fumes, etc).

Motion to support efforts with letter (adjusted language to include "enclosure") (Jareb/Rios) (13-0-0)

Committee Reports (All subcommittee meetings as scheduled are open to the public)

001138

1. Housing
2. Facilities
3. Transportation - report of February meeting

Morris - Meeting held @ Lestats. Brainstorming about what the issues about transportation in the community. Traffic calming, pedestrian safety, making walking & biking more accessible, 40th street blockade, street lighting, Gary Weber spoke about I-15 rapid transit & urban trail. We spoke about some present and past issues about parking. Parking in the middle of the median. Fills up space, slow down traffic, and creates more parking. Categorizing Goals: short term, mid term, long term - getting a list of them, prioritizing them. Having an estimate of cost as well. Mid/Long term - community vision. Identifying funding: having a person to find funding or legislative route and create funding. Lets be list ready. Get input from planning group.

Jim suggested looking @ what is already down the pipeline for transportation.

Where can we meet? Not at a home. At an accessible public place. Does not have to be open 24 hours. The notice must be posted at a site available 24 hours per day. The door of the Normal Heights Community Center should work.

4. Bylaws No news.
5. Canyons
6. Library
7. Bylaws Update

Updates from other Normal Heights organizations
None

New Business

Budget subcommittee meeting Sunday night.
Susanne will send everyone the dollar amount of the DIFs.

Adjournment 7:50pm.

001139

ATTACHMENT 8

OWNERSHIP DISCLOSURE STATEMENT

4532 FELTON VESTING TENTATIVE MAP

Project No. 97653

Owner: 4532 Felton Street, LLC

Richard W. Mansur, Member

DEVELOPMENT SERVICES

Project Chronology

4532 FELTON VESTING TENTATIVE MAP; PROJECT NO. 97653

	Action	Description	City Review Time	Applicant Response
3/3/06	First Submittal	Project Deemed Complete		
7/14/06	First Assessment Letter	First assessment letter sent to applicant	133 days	
2/7/07	Second submittal	Applicant's response to first assessment letter		208 days
3/8/07	Second Assessment Letter	Second assessment letter sent to applicant	29 days	
5/10/07	Third submittal	Applicant's response to second assessment letter		63 days
7/25/07	Third Assessment Letter	Third assessment letter sent to applicant	76 days	
9/26/07	Fourth submittal	Applicant's response to third assessment letter		63 days
10/24/07	Fourth Assessment Letter	Fourth assessment letter sent to applicant	28 days	
10/26/07	Fifth submittal	Applicant's response to fourth assessment letter		2 days
11/9/07	All issues resolved		14 days	
2/14/07	Public Hearing-Planning Commission	Planning Commission Hearing	97 days	
TOTAL STAFF TIME**			377 days	
TOTAL APPLICANT TIME**				336 days
TOTAL PROJECT RUNNING TIME**		From Deemed Complete to PC Hearing	713 days	

**Based on 30 days equals to one month.

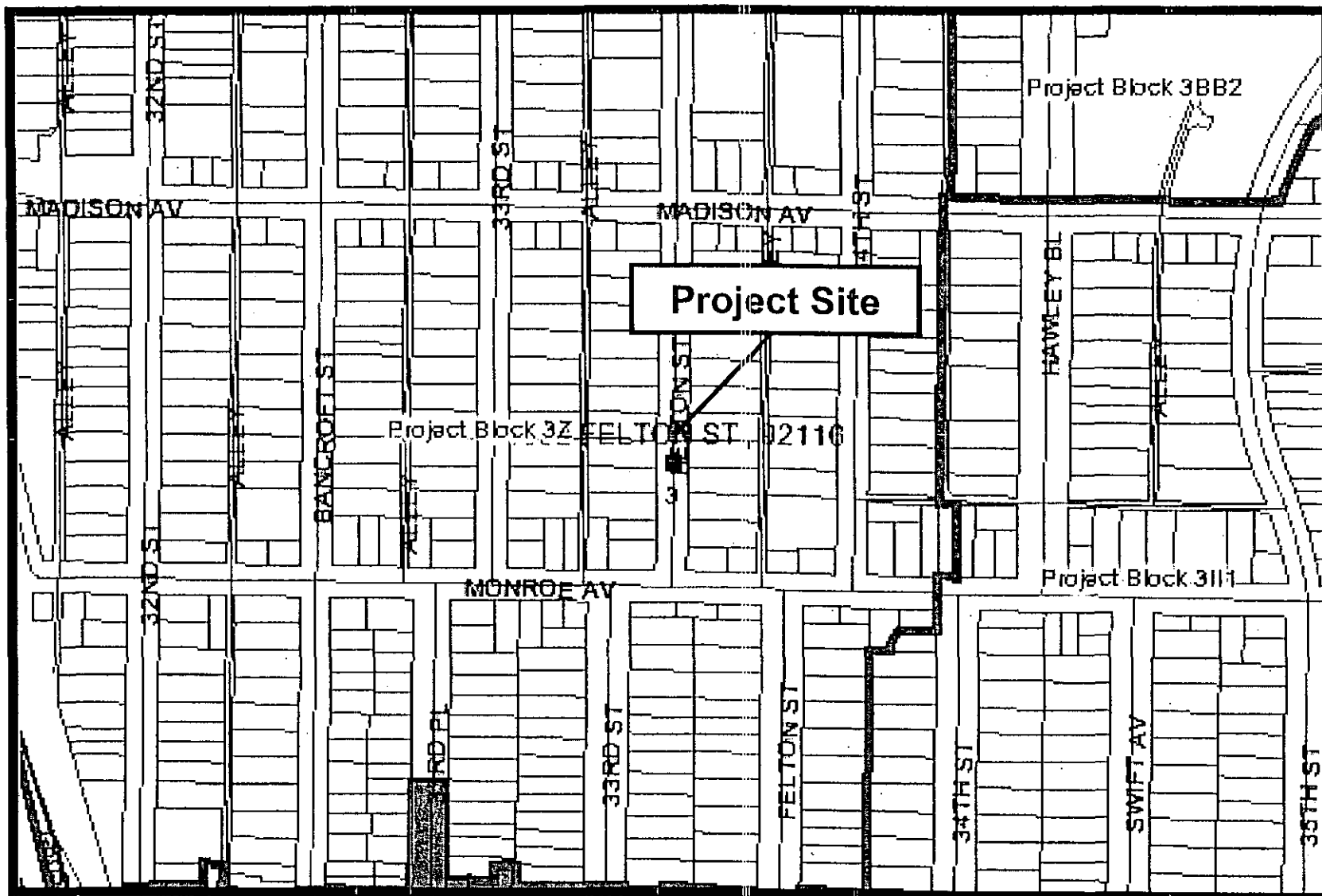
Project Block 3BB2	2013	3
Project Block 3BB1	2014	3
Project Block 3Y	2015	3
Project Block 3X	2016	3
Project Block 3U1	2017	3
Project Block 3U	2018	3
Project Block 3T	2019	3
Project Block 3T1	2020	3
Project Block 3T2	2021	3
Project Block 3S1	2022	3
Project Block 3S	2023	3
Project Block 3W	2024	3
Project Block 3W1	2025	3
Project Block 3X1	2026	3
Project Block 3Y1	2027	3
Project Block 3Y2	2028	3
→ Project Block 3Z	2029	3
Project Block 3II1	2030	3
Project Block 3II	2031	3
Project Block 3AA	2032	3
Project Block 3AA1	2033	3
Project Block 3II2	2034	3
Project Block 3Y3	2035	3
Project Block 3X2	2036	3
Project Block 3R	2037	3
Project Block 3GG	2038	3
Project Block 3O	2039	3
Project Block 3A	2040	3



Council District Three

4532 FELTON VESTING TM – PROJECT NUMBER 97653

4532-34 Felton Street



Block 3Z Residential Roads and Alleys
4532 FELTON VESTING TM – PROJECT NUMBER 97653
4532-34 Felton Street



001145

30 June 2005

TO: Virginia Cleaver
4532 Felton Street #1
San Diego, Ca 92116

FROM: Terrence Gaines, Property Manger *TG*

SUBJECT: **Tenant 60 Day Notice of Intent to Convert to Condominiums**

The owner of this building, at 4532 Felton Street, San Diego, California, plans to file a Tentative Map or map Wavier with the City of San Diego to convert this building to a condominium project.

You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code and you have the right to appear and the right to be heard at any such hearing.

Should the condominium conversion project be approved, tenants may be required to vacate the premises.

Received by

Virginia Cleaver
Tenant Signature

001147

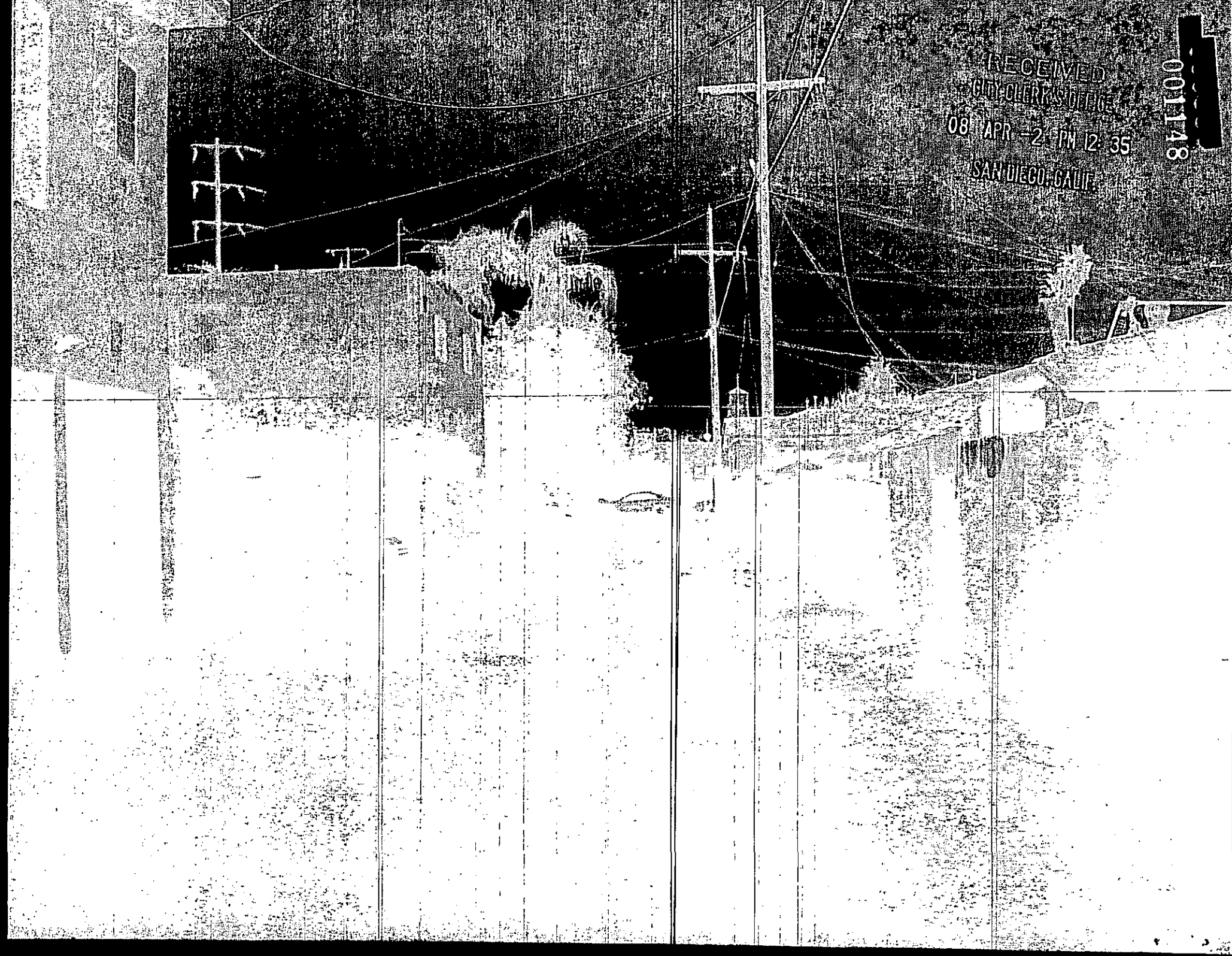


ATTACHMENT 12

001148

RECEIVED
CITY CLERK'S OFFICE
08 APR -2 PM 12 35
SAN DIEGO, CALIF.

FILE



001149

334
07/08

City of San Diego
Development Services
1222 First Ave. 3rd Floor
San Diego, CA 92101
(619) 446-5210

RECEIVED
CLERK'S OFFICE

08 FEB 22 PM 4:37

Development Permit/ Environmental Determination Appeal Application

FORM
DS-3031

MARCH 2007

See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- ☐ Process Two Decision - Appeal to Planning Commission
☐ Process Three Decision - Appeal to Planning Commission
☒ Process Four Decision - Appeal to City Council
☐ Environmental Determination - Appeal to City Council
☐ Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one ☒ Applicant ☐ Officially recognized Planning Committee ☐ "Interested Person" (Per M.C. Sec. 113.0103)

Name
D. Scott Peters, Sterling Land Services, Inc., Surveyor

Address City State Zip Code Telephone
303 Market Street, #525 San Diego CA 92101 619-546-6165

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Sterling Land Services, Inc.

4. Project Information

Permit/Environmental Determination & Permit/Document No.: PTS 97653, CEQA Exempt	Date of Decision/Determination: February 14, 2008	City Project Manager: Michelle Sokolowski
---	--	--

Decision (describe the permit/approval decision):
Approved without a requested Deferral of Private Building Improvements.

5. Grounds for Appeal (Please check all that apply)

- ☐ Factual Error (Process Three and Four decisions only)
☐ Conflict with other matters (Process Three and Four decisions only)
☐ Findings Not Supported (Process Three and Four decisions only)
☐ New Information (Process Three and Four decisions only)
☐ City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

This project was deemed complete on March 04, 2006.

The owner/applicant requested a "Deferral of Private Building Improvements", the performance of which would be assured by a lien upon the Title/Policy.

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature:

Date:

2/14/08

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

Printed on recycled paper. Visit our web site at www.sandiego.gov/development-services.

Upon request, this information is available in alternative formats for persons with disabilities.

DS-3031 (03-07)

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: February 8, 2008 REPORT NO.: PC-08-017
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services Department
SUBJECT: 4532 Felton Street Vesting Tentative Map – Project No. 97653
COUNCIL DISTRICT: 3
STAFF CONTACT: Michelle Sokolowski (619) 446-5278; msokolowski@san-diego.gov

REQUESTED ACTION:

Appeal of the Planning Commission's decision to approve a Vesting Tentative Map to convert seven existing apartments to condominiums, including a request to waive the requirement to underground existing overhead utilities, at 4532-34 Felton Street, in the RM-1-2 Zone of the Central Urbanized Planned District and the Transit Area Overlay Zone, within the Normal Heights neighborhood of the Mid-City Communities Plan area. The applicant is appealing the Vesting Tentative Map condition requiring that the physical improvements recommended in the Building Conditions Report be completed prior to the recordation of Final Map.

STAFF RECOMMENDATION:

Deny the appeal and approve Vesting Tentative Map No. 318386, including the waiver of the requirement to underground existing overhead utilities, with the current Vesting Tentative Map conditions requiring implementation of the Building Conditions Report and Landscape Concept Plan, prior to recordation of the Final Map.

EXECUTIVE SUMMARY:

The application for a Vesting Tentative Map and waiver from the requirement to underground existing overhead utilities was deemed complete on March 3, 2006. Although at that time the condominium conversion regulations did not require a Building Conditions Report or landscape improvements, this project is subject to the condominium conversion regulations effective June 13, 2006, with the exception of the parking regulations, based on the City Council's specific adoption language for the "new" condominium conversion regulations. At the June 13, 2006, hearing, the City Council adopted regulations for additional requirements for landscaping, a building conditions report, onsite inclusionary housing, noticing and parking. Based on the adopted language and project timing, all of these new regulations apply to this project, with the exception of the parking regulations. Accordingly, this project has been reviewed against the new regulations. In accordance with the current regulations, the applicant provided a Building Conditions Report and Landscape Concept Plan. Both of these documents have been reviewed for conformance with the applicable regulations within the Land Development Code (Chapter 14, Article 4, Division 5), and have been accepted by staff as conforming to the regulations.

The environmental determination for this project was made on March 15, 2006, and the opportunity to appeal that determination expired on April 5, 2006. This project's environmental determination was not appealed.

On February 14, 2008, the Planning Commission approved the project with a condition (Condition No. 22 of the Vesting Tentative Map Resolution, Attachment 6, page 7 of the Planning Commission Report) requiring building and landscape improvements as identified in the submitted Building Conditions Report and Landscape Plan to be completed prior to recordation of the Final Map.

The applicant has appealed the Planning Commission's decision, citing the following: *"The project was deemed complete on March 4, 2006. The owner/applicant requested a 'Deferral of Private Building Improvements,' the performance of which would be assured by a lien upon the Title/Policy."* This statement is true (although the project was deemed complete on March 3, 2006). The applicant requested the Planning Commission defer these improvements. However, the Planning Commission discussed this issue at length, both in relation to this project, and in general. Commissioner Griswold stated that "a Building Conditions Report created at one period of time becomes irrelevant at a future date," and asked the City Council to consider the Planning Commission's position and recommendations on this issue. Additionally, the Condominium Conversion regulations were amended by City Council on July 5, 2006, making the new requirements applicable to this project.

In several previous appeals in 2007-2008, the City Council adopted a compromise which allows the condominium converter to execute the required physical improvements prior to the sale of the first unit. City staff does not recommend that approach as it does not provide a mechanism for the City Engineer to verify that the improvements have been completed.

In the latest appeal of the issue regarding the deferring of improvements for condominium conversions, the City Council rejected the compromise and adopted staff's recommendation (Item 335 on the March 4, 2008 docket).

City staff's recommendation is to deny the appeal and approve the project with the approved Vesting Tentative Map conditions.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are paid by the applicant.

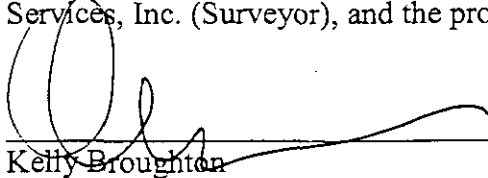
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On February 14, 2008, the Planning Commission voted 4-1 to approve the project as presented by staff (Griswold opposed).

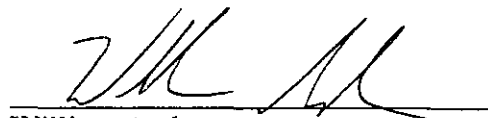
On March 6, 2007, the Normal Heights Planning Committee voted 12-0-1 to recommend approval of the project with specific recommendations.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

4532 Felton Street LLC, Richard W. Mansur, Member (Applicant/Subdivider), Sterling Land Services, Inc. (Surveyor), and the property's tenants.



Kelly Broughton
Director
Development Services Department



William Anderson
Deputy Chief Operating Officer:
Executive Director of City Planning
and Development

ATTACHMENTS:

1. Planning Commission Report PC-08-017
2. Appeal to the City Council, dated February 22, 2008

001153

DETERMINATION OF ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No.: 97653

Date: 3/15/06

Action/Permit(s): Vesting Tentative Map

Description of Activity: **4532 Felton VTM** An approved VTM would allow for the conversion of seven existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities, on a 0.152-acre lot.

Location of Activity: 4532 Felton Street in the RM-1-2 Zone of the Central Urbanized Planned, within the Normal Heights neighborhood of Mid-City Communities Plan Area. The project is located in the City and County of San Diego.

1. ☐ This activity is EXEMPT FROM CEQA pursuant to:
- ☐ Section 15061(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
2. ☒ This project is EXEMPT FROM CEQA pursuant to State CEQA Guidelines Section checked below:

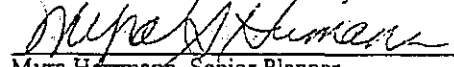
ARTICLE 19 of GUIDELINES CATEGORICAL EXEMPTIONS (Incomplete list)

Section	Short Name
<input checked="" type="checkbox"/> 15301(k)	Existing Facilities
<input type="checkbox"/> 15302	Replacement or Reconstruction
<input type="checkbox"/> 15303	New Construction or Conversion of Small Structures
<input type="checkbox"/> 15304	Minor Alterations to Land
<input type="checkbox"/> 15305	Minor Alteration in Land Use
<input type="checkbox"/> 15306	Information Collection
<input type="checkbox"/> 15311	Accessory Structures
<input type="checkbox"/> 15312	Surplus Government Property Sales
<input type="checkbox"/> 15315	Minor Land Divisions
<input type="checkbox"/> 15317	Open Space Contracts or Easements
<input type="checkbox"/> 15319	Annexation of Existing Facilities and Lots for Exempt Facilities
<input type="checkbox"/> 15325	Transfer of Ownership of Interest in Land to Preserve Open Space
<input type="checkbox"/> 15332	In-Fill

ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)

Section	Short Name
<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> Other	

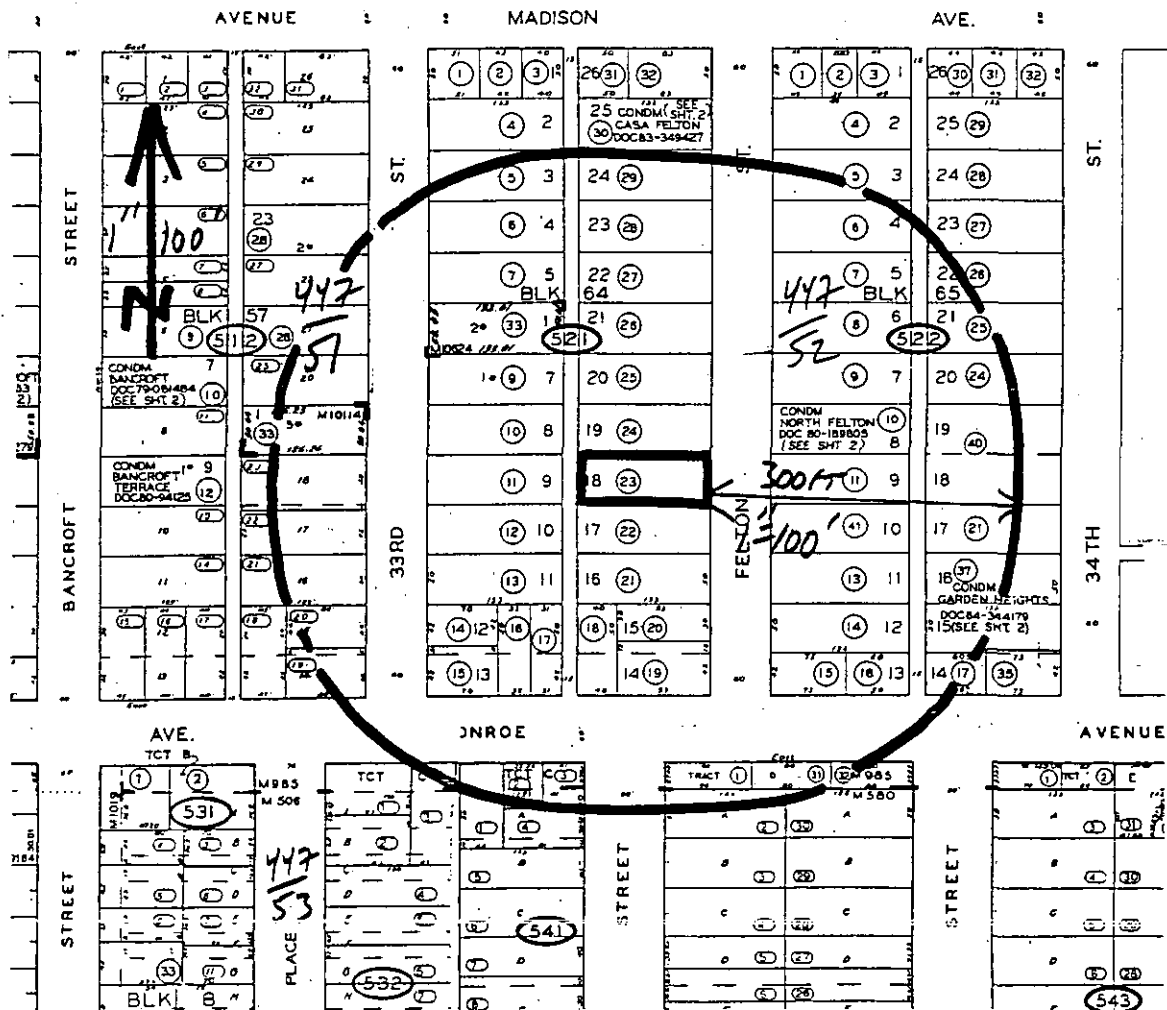
It is hereby certified that the City of San Diego has determined the above activity to be exempt:


Myra Herrmann, Senior Planner
Environmental Analysis Section

Distribution:

Exemption or Project file
Michelle Sokolowski, Project Manager DSD (MS 501)

001155



April 22, 2008

CITY COUNCIL
RESOLUTION NO.
VESTING TENTATIVE MAP NO. 318386
4532 FELTON VESTING TENTATIVE MAP - PROJECT NO. 97653
DRAFT

WHEREAS, 4532 FELTON STREET, LLC., Applicant/Subdivider, and STERLING LAND SERVICES, INC., SURVEYOR, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 318386, for the conversion of 7 existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities. The project site is located on the west side of Felton Street between Monroe and Madison Avenues at 4532-34 Felton Street, and is legally described as Lot 18, Block 64 of the Resubdivision of Blocks 39 and 56, Normal Heights, Map No. 1048, in the RM-1-2 Zone of the Central Urbanized Planned District and the Transit Area Overlay Zone, within the Normal Heights neighborhood of Mid-City Communities Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.152-acre site into one (1) lot for a seven-unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is seven; and

WHEREAS, the Planning Commission of the City of San Diego approved the project on February 14, 2008, by Resolution No. 4370-PC, which was subsequently appealed to the City Council by the applicant on February 22, 2008; and

WHEREAS, on April 22, 2008, the City Council of the City of San Diego considered Vesting Tentative Map No. 318386, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (tentative map), 125.0444 (condo conversion), and 144.0240 (underground) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 318386:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for

the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, which notice shall be provided within 5 working days of the issuance of the Subdivision Public Report.. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).

9. The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).
10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (Land Development Code Section 144.0504(b)).
15. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).
16. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).

17. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.
18. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
19. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length), the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
20. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 318386, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to 4532 FELTON STREET, LLC., Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Vesting Tentative Map will expire February 14, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
4. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain

independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

5. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
6. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
7. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRB), pursuant to Section 66427.1(a) of the Subdivision Map Act.
8. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this *subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.*
9. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

10. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

11. Prior to recordation of the Final Map the Subdivider shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) by paying an in-lieu fee of \$6,698.75 (\$1.25 x 5,359 square feet), satisfactory to the Housing Commission.
12. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.
13. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. The subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

ENGINEERING

15. The subdivider shall dedicate and improve an additional 2.5 feet of the adjacent alley.
16. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
17. The subdivider shall replace the damaged driveway, the damaged areas of the on site parking area and replace the non standard curb and gutter with full height curb and gutter, all adjacent to the site on Felton Street, satisfactory to the City Engineer.
18. The subdivider shall replace the damaged sidewalk panels, adjacent to the site on Felton Street, satisfactory to the City Engineer.

19. The subdivider shall obtain an Encroachment Maintenance Removal Agreement for the enhanced paving, landscape, irrigation and appurtenances within the Felton St. right-of-way, satisfactory to the City Engineer.
20. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
21. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
22. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
23. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

24. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
25. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
26. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle

of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER AND WATER

27. Water and Sewer Requirements:

- a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
- b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

LANDSCAPE

- 28. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
- 29. *Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the Subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.*
- 30. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

31. The Landscape Construction Plan shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
32. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
33. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
34. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape inspection.

INFORMATION:

- ☐ The approval of this Vesting Tentative Map by the City Council of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- ☐ If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- ☐ Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- ☐ Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the

imposition within 90 days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

- ☐ Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO,
CALIFORNIA, ON APRIL 22, 2008.

By

Michelle Sokolowski
Development Project Manager
Development Services Department

Job Order No. 42-6154

February 14, 2008

PLANNING COMMISSION
RESOLUTION NO. 4370-PC
VESTING TENTATIVE MAP NO. 318386
4532 FELTON VESTING TENTATIVE MAP - PROJECT NO. 97653

WHEREAS, 4532 FELTON STREET, LLC., Applicant/Subdivider, and STERLING LAND SERVICES, INC., SURVEYOR, submitted an application with the City of San Diego for a Vesting Tentative Map, No. 318386, for the conversion of 7 existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities. The project site is located on the west side of Felton Street between Monroe and Madison Avenues at 4532-34 Felton Street, and is legally described as Lot 18, Block 64 of the Resubdivision of Blocks 39 and 56, Normal Heights, Map No. 1048, in the RM-1-2 Zone of the Central Urbanized Planned District and the Transit Area Overlay Zone, within the Normal Heights neighborhood of Mid-City Communities Plan Area; and

WHEREAS, the Map proposes the subdivision of a 0.152-acre site into one (1) lot for a seven-unit residential condominium conversion; and

WHEREAS, the project is exempt from environmental review pursuant to Article 19, Section 15301(k) of the California Environmental Quality Act (CEQA) on the basis that the facilities are existing; and

WHEREAS, a preliminary soils and geological reconnaissance report are waived by the City Engineer pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, the subdivision is a condominium project as defined in Section 1350 et seq. of the Civil Code of the State of California and filed pursuant to the Subdivision Map Act. The total number of condominium dwelling units is seven; and

WHEREAS, on February 14, 2008, the Planning Commission of the City of San Diego considered Vesting Tentative Map No. 318386, including the waiver of the requirement to underground existing overhead utilities, and pursuant to Sections 125.0440 (tentative map), 125.0444 (condo conversion), and 144.0240 (underground) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the Planning Commission having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Vesting Tentative Map No. 318386:

1. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).
2. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).
3. Each of the tenants of the proposed condominium project has received, pursuant to State Map Action Section 66452.9, written notification of intention to convert at least 60 days prior to the filing of a tentative map (Land Development Code 125.0444 and State Map Act Section 66427.1(a)).
4. The project has been conditioned that the Subdivider will give each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
5. The project has been conditioned that the Subdivider will give each tenant 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request (Land Development Code Section 125.0444 and State Map Act Section 66427.1(a)).
6. The project has been conditioned that the Subdivider will give each tenant of the proposed condominium project written notification within 10 days of approval of a final map for the proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(b)). If the subdivider chooses to provide affordable housing units, the subdivider shall enter into an affordable housing agreement with the Housing Commission, prior to recordation of the Final Map.
7. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion (Land Development Code Section 125.0444 and State Map Act Section 66427.1(c)).
8. The project has been conditioned that the Subdivider will give each of the tenants of the proposed condominium project notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, which notice shall be provided within 5 working days of the issuance

of the Subdivision Public Report.. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right (Land Development Code Section 125.0444 and State Map Act Section 66427.1(d)).

9. *The project was not financed by funds obtained from a governmental agency to provide for elderly, disabled, or low income housing (Land Development Code Section 125.0444.b).*
10. For any project that was developed to provide housing for the elderly, disabled or to provide low income housing, provisions have been made to perpetuate the use for which the project was developed (Land Development Code Section 125.0444.c).
11. Each of the tenants of the proposed condominium project has received written notification of the project application for the condominium conversion within 10 days after the application was deemed complete (Land Development Code 125.0431(a)(3)).
12. The project has been conditioned that the subdivider will give each person applying for the rental of a unit in such residential real property written notification that the project application for the condominium conversion was deemed complete (Land Development Code 125.0431(a)(3)).
13. The project has been conditioned that the subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. A Building Conditions Report has been prepared in accordance with the Land Development Manual by a registered architect or engineer licensed by the State of California (Land Development Code Section 144.0504(b)).
15. The project has been conditioned that the subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).
16. The project has been conditioned that the subdivider will provide a relocation assistance payment to all tenants of the project whose tenancy has terminated due to the condominium conversion. (Land Development Code Section 144.0505).
17. The project has been conditioned for the subdivider to complete the physical improvements as outlined in Land Development Code Section 144.0507, to the satisfaction of the City Engineer prior to final map approval.

18. The project has been conditioned for the subdivider to satisfy the inclusionary housing requirements in accordance with Land Development Code Section 142.1306. (Land Development Code Section 144.0508).
19. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that the conversion involves a short span of overhead facility (less than 600 feet in length), the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.
20. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the Planning Commission, Vesting Tentative Map No. 318386, including the waiver of the requirement to underground existing overhead utilities, is hereby granted to 4532 FELTON STREET, LLC., Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Vesting Tentative Map will expire February 14, 2011.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Final Map, unless otherwise noted.
3. Prior to the issuance of the Final Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition
4. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City

shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant

5. The subdivider shall provide a Notice of Tenants Rights and Notices for Condominium Conversion, consistent with the Land Development Manual to be provided as follows:
 - a. For existing tenants, within 10 days of the project application for the *condominium conversion* being deemed complete; or
 - b. For prospective tenants, upon application for the rental of a unit in the proposed *condominium conversion*.
6. The Subdivider shall provide each tenant, and each person applying for the rental of a unit in such residential real property, all applicable notices and rights now or hereafter required by the State Map Act.
7. The Subdivider shall provide the tenants a Notice of Application for a Public Report at least 10 days prior to the submittal to the Department of Real Estate (DRE), pursuant to Section 66427.1(a) of the Subdivision Map Act.
8. The Subdivider shall provide each of the tenants of the proposed condominiums written notice of intention to convert at least 180 days prior to termination of tenancy due to the conversion or proposed conversion in conformance with Section 66427.1(c) of the Subdivision Map Act. The provisions of this subdivision shall not alter nor abridge the rights or obligations of the parties in performance of their covenants, including, but not limited to, the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1 and 1941.2 of the Civil Code.
9. The Subdivider shall provide each of the tenants of the proposed condominiums notification of their exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant, in conformance with Section 66427.1(d) of the State Map Act. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report, pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.
10. The Subdivider shall provide the tenants of the proposed condominiums with written notification within 10 days or approval of a Final Map for the proposed conversion, in conformance with Section 66427.1(b) of the Subdivision Map Act.

AFFORDABLE HOUSING

11. Prior to recordation of the Final Map the Subdivider shall comply with the affordable housing requirements of the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) by paying an in-lieu fee of \$6,698.75 (\$1.25 x 5,359 square feet), satisfactory to the Housing Commission.
12. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5), to the satisfaction of the Development Services Department and the Housing Commission.
13. The subdivider will give each tenant a notice of termination of tenancy 60 days prior to being required to vacate the property. (Land Development Code Section 125.0431(a)(4)).
14. The subdivider will provide to a prospective purchaser a copy of the Building Conditions Report prior to the opening of an escrow account. (Land Development Code Section 144.0504(c)).

ENGINEERING

15. The subdivider shall dedicate and improve an additional 2.5 feet of the adjacent alley.
16. Whenever street rights-of-way are required to be dedicated, it is the responsibility of the subdivider to provide the right-of-way free and clear of all encumbrances and prior easements. The subdivider must secure "subordination agreements" for minor distribution facilities and/or "joint-use agreements" for major transmission facilities.
17. The subdivider shall replace the damaged driveway, the damaged areas of the on site parking area and replace the non standard curb and gutter with full height curb and gutter, all adjacent to the site on Felton Street, satisfactory to the City Engineer.
18. The subdivider shall replace the damaged sidewalk panels, adjacent to the site on Felton Street, satisfactory to the City Engineer.
19. The subdivider shall obtain an Encroachment Maintenance Removal Agreement for the enhanced paving, landscape, irrigation and appurtenances within the Felton St. right-of-way, satisfactory to the City Engineer.

20. The Subdivider shall underground any new service run to any new or proposed structures within the subdivision.
21. The subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.
22. Prior to the recordation of the Final Map, the subdivider shall demonstrate conformance with the Municipal Code provisions for building and landscape improvements (Land Development Code Sections 144.0507), to the satisfaction of the City Engineer. The parking requirements in Land Development Code Sections 144.0507 and 142.0525.a do not apply, since this project was deemed complete prior to the effective date of this ordinance (July 27, 2006).
23. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

24. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).
25. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
26. The Final Map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said

Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER AND WATER

27. Water and Sewer Requirements:

- a. The subdivider shall install appropriate private back flow prevention devices on all existing and proposed water services (domestic, irrigation, and fire) adjacent to the project site in a manner satisfactory to the Water Department Director.
- b. The subdivider shall provide a letter, agreeing to prepare CC&Rs for the operation and maintenance of all private water and sewer facilities that serve or traverse more than a single condominium unit or lot.

LANDSCAPE

28. Prior to recordation of the Final Map, complete landscape and irrigation construction documents consistent with the Landscape Standards shall be submitted to the Development Services Department for approval. The construction documents shall be in substantial conformance with the Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.
29. Prior to recordation of the Final Map, and after Landscape and Irrigation Construction Documents have been approved by Development Services, the Subdivider shall install all required landscaping consistent with the approved plans and the Land Development Manual, Landscape Standards.
30. Prior to recordation of the Final Map, it shall be the responsibility of the Permittee/Owner to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

31. The Landscape Construction Plan shall take into account a 40 sq-ft area around each tree which is unencumbered by hardscape and utilities as set forth under LDC 142.0403(b)5.
32. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.
33. The Permittee or subsequent owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.
34. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or *replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.*

INFORMATION:

- ☐ The approval of this Vesting Tentative Map by the Planning Commission of the City of San Diego does not authorize the subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies including but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 USC Section 1531 et seq.).
- ☐ If the subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.
- ☐ Subsequent applications related to this Vesting Tentative Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.
- ☐ Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Vesting Tentative Map, may protest the

001176

imposition within 90 days of the approval of this Vesting Tentative Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

- ☐ Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SAN DIEGO, CALIFORNIA, ON FEBRUARY 14, 2008.

By

Michelle Sokolowski
Development Project Manager
Development Services Department

Job Order No. 42-6154

001177

Item 7

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
FEBRUARY 14, 2008
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:11 a.m. Chairperson Schultz adjourned the meeting at 12:17 p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz - present
Vice-Chairperson - Vacant
Commissioner Robert Griswold - present
Commissioner Gil Ontai - present
Commissioner Dennis Otsuji - present
Commissioner Eric Naslund - not present
Commissioner Mike Smiley - present

Staff

Andrea Dixon, City Attorney - present
Mary Wright, Planning Department - present
Mike Westlake, Development Services Department - present
Elisa Contreras, Recorder - present
Donna Trask, Recorder-present

PLANNING COMMISSION MINUTES FOR FEBRUARY 14, 2008

ITEM-6: **5445 55TH STREET TENTATIVE MAP - PROJECT NO. 83624**
City Council District: 7; Plan Area: College

Staff: Jeannette Temple

Speaker slip submitted in favor by Matt Browar, Scott Peters

No speaker slips in opposition.

COMMISSION ACTION:

CONSENT MOTION BY COMMISSIONER OTSUJI TO APPROVE TENTATIVE MAP NO. 263259; AND APPROVE WAIVER TO THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS PRESENTED IN Report No. PC-08-016. Second by Commissioner Ontai passed by a vote of 5-0-2 with Commissioner Naslund not present, and one vacancy. Resolution No. 4369-PC.

ITEM-7: **4532-34 FELTON VESTING TENTATIVE MAP - PROJECT NO. 97653**
City Council District: 3; Plan Area: Normal Heights neighborhood of the Mid-City Communities

Staff: Michelle Sokolowski

Speaker slip submitted in favor by Scott Peters

No one present to speak in opposition

COMMISSION ACTION:

MOTION BY COMMISSIONER SMILEY TO APPROVE VESTING TENTATIVE MAP NO. 318386; AND APPROVE WAIVER TO THE REQUIREMENT TO UNDERGROUND EXISTING OVERHEAD UTILITIES AS PRESENTED IN Report No. PC-08-017. Second by Commissioner Otsuji. Passed by a 4-1-2 vote with Commissioner Griswald voting nay. Commissioner Naslund not present and one vacancy. Resolution No. 4370-PC.

001179

BRIGGS LAW CORPORATION

#7

334
07/08

San Diego Office:
5663 Balboa Avenue, No. 376
San Diego, CA 92111-2703

Telephone: 858-495-9082
Facsimile: 858-495-9136

Please respond to: Inland Empire Office

Planning Commission
City of San Diego
202 C Street
San Diego, CA 92101

Inland Empire Office:
99 East C Street, Suite 111
Upland, CA 91786

Telephone: 909-949-7115
Facsimile: 909-949-7121

ELC File(s): 1007.98

February 12, 2008

Re: Project Number: 97653
Project Name: 4532 Felton Tentative Map
Agenda Date: February 14, 2008

Dear Planning Commission:

On behalf of Citizens for Responsible Equitable Environmental Development and the Affordable Housing Coalition of San Diego County, I am writing to express my clients' opposition to approval of the above-referenced project, which is scheduled to be considered by the Planning Commission on the above-identified date.

My clients oppose approval of the project on the grounds that converting apartments to condominiums is subject to environmental review under the California Environmental Quality Act. The exemptions set forth in Section 15301 of the CEQA Guidelines do not apply to the project. Furthermore, the cumulative and other potential significant impacts of converting apartments to condominiums make the exemption inapplicable. Evidence of the project's cumulative adverse impacts is contained in, among other sources, (i) the City Attorney's memorandum dated November 10, 2005, regarding the applicability of CEQA to condominium conversions; (ii) the City Manager's report no. 05-060; (iii) the City Manager's report no. 05-060 rev.; (iv) the City Manager's report no. 05-106; (v) the City Manager's report no. 05-163; (vi) the City Council's prior resolutions declaring a state of emergency over the lack of affordable housing; and (vii) the City's current housing element (e.g., its comments about the environmental effects of condo conversions and the loss of affordable housing). Additionally, the project should be denied because your action in approving it would violate San Diego Municipal Code §§ 125.0440(a)-(h), 142.1304, and 142.1305 and Government Code §§ 66412.3 and 66474 (by not proceeding in the manner prescribed by law, not making all necessary findings, and not supporting the findings with sufficient evidence). Lastly, the project should not be approved because it is inconsistent with the housing element, thus precluding the necessary finding under Government Code § 66473.5; the housing element has not been lawfully revised as required by Government Code § 65588(e)(5) and therefore is invalid. My clients therefore urge the City of San Diego to comply with all applicable laws before approving the project or to deny approval.

Thank you for giving this matter the attention that it deserves.

Sincerely,

BRIGGS LAW CORPORATION

Cory J. Briggs
Cory J. Briggs

001181

April 7, 2008

San Diego City Council
202 C Street
San Diego, CA 92101

**RE: Appeal of Conditions of Approval
Condominium Conversion Tentative Map
4532 Felton Street – PTS #-97653**

Dear Members of the City Council:

I am writing in regards to the appeal docketed for hearing on the 22nd of April for the referenced project. The appeal requests that the City Council review and modify the Conditions of Approval to allow a Final Map to be recorded for the property prior to completion of the mandated improvements outlined in the Building Conditions Report. I respectfully ask that that you consider the following points in making your decision:

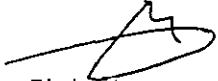
- Most importantly, I take no exception to completing the required improvements cited in the Building Conditions Report or the Conceptual Landscape Plan. I would readily agree to record a deed restriction against the property to ensure the improvements are completed prior to any condominiums being offered for sale to the public.
- If the work as outlined in the attached Building Condition Report is required prior to the Final Map, the tenants would have to be relocated from their units to complete both the interior and exterior improvements. This would require alternative arrangements to re-house them during this time resulting in hardship and expense for all involved.. Please note that the work required includes new appliances, cabinets, and flooring. I concur that these improvements need to be done prior to the units being offered for sale. However, the units are currently in good condition and this work is not required to continue to offer viable current rental stock. Moving out tenants to complete this work, which would ultimately have to be redone prior to the sale of the units, does not seem prudent.
- Additionally, this property would not have even been required to have a Building Condition Report or Landscape Concept Plan had it had been included in the Briggs' lawsuit. Other projects in the same area of similar size and scope are not held to these new regulations simply because they were include on the Briggs' lawsuit...which does not seem equitable, particularly if the improvements are required prior the approval of a Final Map.

- Considering the current climate in the residential real estate market, moving forward with conversion of the property within the next few years seems highly unlikely. However, I have no desire to forfeit the tentative entitlements I have spent so much money, time, and effort to achieve. Furthermore, I know there are other owners with the same predicament, and there should be a mechanism to allow the many recently approved conversions to finalize their entitlements to be placed on the market at some future date. This will help ease the ongoing affordable housing shortage in San Diego.

Please consider a resolution to remedy this unfair situation. There should be a process to allow for the issuance of a Final Map that includes a mechanism to ensure the completion of the required improvements prior to the sale of the converted units. The key is finding a solution that prevents the city from assuming this burden of ensuring completion, and creates a mechanism that shifts that burden to the private sector.

Thank you in advance for your action on this inequitable situation.

Sincerely,



Rick Mansur
4532 Felton Street LLC.

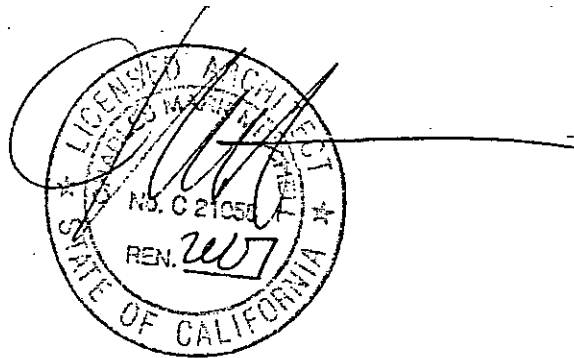
MARK MITCHELL A.I.A. ARCHITECTURE & PLANNING

BUILDING CONDITIONS REPORT

Project Type and Address:

Residential Units
4532-34 Felton Street
San Diego, CA. 92116

Report Issue Date:
November 13, 2006



Appendix "A"

**PTS #97653
4532-34 Felton Street**

This report has been prepared by a California registered architect.

This property consists of 7 units. All 7 units were inspected. For more detail of each unit, please see pages 19 & 20 in the report.

The roof & exterior wood floors will be replaced, if the remaining life is less than 5 years.

All items listed below have a remaining life of 5 years or less and will be repaired or replaced.

- 1. Gutters & Downspouts**
- 2. Driveways and Parking Areas will be repaired and/or sealed.**
- 3. Striping for Parking Spaces**
- 4. Exterior Wall finish, where there is visible damage.**
- 5. Guardrails will be repaired and/or replaced where needed.**
- 6. Breakers to code will be installed in all kitchens, bedrooms, baths and exterior locations.**
- 7. Hard-wired battery backup Smoke Detectors will be installed in all bedrooms and living rooms, required by code.**
- 8. Appliances and Cabinetry will be replaced.**
- 9. Floor coverings in all units will be replaced.**

Owner: Richard Mansur, Trustee of
Richard Mansur Trust of 2004
2911 Upshur Street
San Diego, CA. 92106-3029

Regarding: Residential Units
4532-34 Felton Street
San Diego, CA. 92116

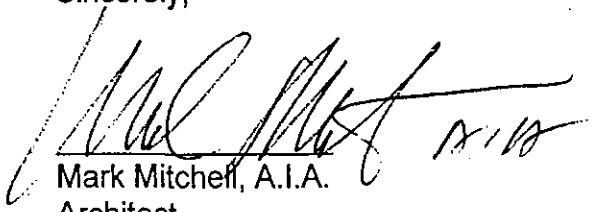
Legal: Lot 18 in block 64 of the Resubdivision of Blocks 39 and 56 of Normal Heights, in the City of San Diego, County of San Diego, State of California, according to the Map. thereof No. 1048, file in the office of the County recorder of San Diego County, May 10, 1907.

APN: 447-521-23-00

Mark Mitchell, A.I.A. Architecture and Planning is pleased to provide this Building Conditions Report for the property at 4532-34 Felton Street, located in San Diego, CA. This assessment was preformed in general accordance with the City of San Diego's scope of work for Building Conditions Reports.

We appreciate the opportunity to provide our services. If you have any questions concerning this report or if we can assist you in any other matter please contact us.

Sincerely,



Mark Mitchell, A.I.A.
Architect
CA Lic. # C 21058

TABLE OF CONTENTS

EXECUTIVE PROJECT SUMMARY

1.0 INTRODUCTION

- 1.1 Purpose
- 1.2 Reliance
- 1.3 Scope and Exceptions
- 1.4 Document Review and Interviews

2.0 SYSTEM DESCRIPTION AND OBSERVATION

- 2.1 Overall General Description
- 2.2 Site Visit
- 2.3 Site/Site Improvements
 - 2.3.1 Topography
 - 2.3.2 Storm Water Drainage
 - 2.3.3 Paving Type/Age
 - 2.3.4 Curbs
 - 2.3.5 Pavement Striping
 - 2.3.6 Flatwork/Steps/Railing
 - 2.3.7 Landscaping and Appurtenances
 - 2.3.8 Utilities
 - 2.3.9 Site Lighting
 - 2.3.10 Waste Storage Area
 - 2.3.11 Site and Building Signage
 - 2.3.12 Retaining Walls
 - 2.3.13 Other Site Amenities/Recreational Facilities
- 2.4 Structural Frame and Building Envelope

2.4.1 Substructure

2.4.2 Superstructure

2.4.3 Facades

2.4.4 Roofing

2.4.5 Stairs

2.4.6 Balconies/Patios/Elevated Walkways

2.5 Mechanical, Electrical & Plumbing

2.5.1 HVAC Systems

2.5.2 Electrical Systems

2.5.3 Plumbing Systems

2.6 Vertical Transportation/Conveyor Systems

2.6.1 Elevators

2.6.2 Escalators

2.7 Fire/Life Safety

2.7.1 Fire Sprinklers

2.7.2 Life Safety/Alarm Systems

2.8 Interior Elements

2.8.1 Room Mix

2.8.2 Viewed Spaces

2.8.3 Floor Coverings

2.8.4 Ceiling/Walls

2.8.5 Appliances

3.0 ADA Compliance

4.0 Limitations

APENDICES

Appendix A – Photographs

EXECUTIVE PROJECT SUMMARY

A building condition report was performed by Mark Mitchell A.I.A. Architecture and Planning on 11/13/2006 for the property located at 4532-34 Felton Street, San Diego, CA. 92116 (subject property).

The Subject Property consists of seven (7) apartment units in a single building situated on the west side of Felton Street on a single parcel, approximately half a mile east of Interstate 805.

The Building is two stories with seven apartment units. This building is finished with a combination of stucco, wood guardrails and a combination of flat and gable style roof structures covered with clay tile roofing on all of its elevations, with five (5) single car parking spaces at the front driveway and (4) single enclosed parking garages and (1) one single parking space at the rear of the building, for a total of ten (10) parking spaces.

The following critical items are summarized for easy reference. These items should be addressed immediately or within five years:

Storm water Drainage: Gutters and downspouts need to be replaced or repaired and drained to landscape/hardscape.

Paving Type/Age: The driveways and concrete parking area on the front and the rear of the property are consistent with the era of construction and where there are observed cracks. The cracks at the front driveway appeared to be major and will recommend new paving, the rear driveway where cracks are minor will need to be repaired and and/or sealed.

Pavement Striping: Pavement striping is missing and is to be applied for all parking spaces.

Exterior walls: Exterior wall finishes at all sides of the building are consistent with the era of construction. Repair and repaint where there is observed damage and roof drainage.

Stairs: The guardrails are consistent with the era of construction and were observed to be in fair condition. We recommend replacement of structural elements or repair and repaint as required. It is also important to note that the wood guardrails are structurally weak and it would be advisable for the owner to install structurally sound guardrails to meet current code restrictions.

Electrical: Code compliant GFCI or AFCI outlets shall be installed were required by code at all breakers, kitchens, bedrooms, baths and exterior locations.

Fire/ Life Safety: Owner shall install hard-wired battery back up smoke detectors in all bedrooms and living rooms as required by code. Smoke detectors shall be interconnected. Within sleeping rooms, smoke detectors shall include a visual notification device to notify the hearing impaired occupants.

Appliance/Cabinetry: The Appliances were observed to be aged and in poor condition. We recommend installing new, energy efficient models.

The overall condition of the cabinets appeared to be in poor to fair condition. Recommend repair or replacement of all cabinetry on all units.

Floor Coverings: The flooring on all units is consistent with the era of construction and was observed to be from poor to fair condition. We recommend repair or replacement on all units.

General Description

The Building contains apartments numbered 1-3 on the first floor and 4-7 on the second floor. These units are served by two exterior staircases on the south side yard, concrete walkways on the north and south yards and concrete driveways located at the rear and front of the property. One gas meter per each unit for a total of eight (8), are located in the private southwest side yard of the property. There are nine (9) electrical meters in an enclosure located on the southwest corner of the building. Trash container storage appears to have been assigned in front of the open single parking space located at the northwest area of the property.

The Subject Property is currently zoned RM-1-2 by the City of San Diego Planning Department. The property is composed of one (1) lot for a total area of 6,652 Sq. Ft. The property appears to have been developed prior to the current zoning designation. The current zoning allows a maximum density of one (1) dwelling unit for each 2,500 square feet of lot area.

BUILDINGS	BUILDING AREA (SF)	# of STORIES	FIRE SPRINKLERS	
			YES	NO
One, two-story 7-Unit building	5,188 sq. ft.	2		X

UNIT MIX		
Type	Number of Units	SF Area (SF)
Two Bdrm / Two Bath	5	783 s.f. (Each)
Two Bdrm / One Bath	1	783 s.f.
One Bdrm / One Bath	1	661 s.f.

General Physical Condition

The Subject Property was observed to be in overall fair condition. Replacement of the Subject Property's systems, components and equipment that appear to be performing as would be expected with the exception of a few items referenced in this report.

Conclusions/Recommendations

Deferred maintenance items and physical conditions that are considered minor and require immediate repair, or will need to be replaced within five years, were identified in the executive summary and are included in the following body of the report with additional information. They are as follows:

Provide and install hard wire smoke detectors inside and outside each bedroom door and living room.

Replace vinyl tile at worn-out floor finishes in bathrooms and kitchen floors.

Gutters and downspouts need to be repaired or replaced and drained to landscape/hardscape areas and rear alley.

Repair or re-pave driveway areas where there are observed cracks.

All exterior walls where there is evidence of roof water stains and stucco damage need to be replastered or painted.

Visible structural elements of the building were observed to be in good condition. The recommendations in this report should be made in an appropriate time frame; a preventive/remedial maintenance program should be implemented continually; and all site systems and building components should be replaced as necessary with an acceptable standard of care. Other site and building elements are replaceable; however, as the property ages, the maintenance program cost should be expected to increase.

Mark Mitchell AIA Architecture and Planning can make no comment on the marketability of the site. Any qualifications and limitations in place for the building conditions report as provided by Mark Mitchell AIA Architecture and Planning is applicable to the summary comments mentioned in this report.

1.0 INTRODUCTION

At the request of Scott Peters, PLS from Sterling Land Services, Inc. a building conditions report was performed by Mark Mitchell A.I.A. Architecture and Planning at the property location of 4532-34 Felton Street, in San Diego, CA (Subject Property). This report was performed in accordance with the Client's scope of work for the Building Conditions Report. This report was prepared by Mark Mitchell A.I.A. Architecture and Planning for the review of the City of San Diego Planning Commission.

1.1 Purpose

The purpose of this Building Conditions Report was to observe and document readily visible materials and building systems, which might significantly affect the value of the property, and determine if conditions exist which may have a significant impact on the continued operation of the facility during the evaluation period.

1.2 Reliance

All reports, both verbal and written, are for the benefit of the current owner and the City of San Diego Planning Commission. This report has no other purpose and may not be relied upon by any other person or entity without the written consent of Mark Mitchell A.I.A. Architecture and Planning.

1.3 Scope and Exceptions

This Report is based on a site visit, in which agents of Mark Mitchell Architecture and Planning performed a visual, non-intrusive and non-destructive evaluation of various external and internal building components. All of the accessible buildings components were observed and physical conditions evaluated in general accordance with ASTM E2018-01. These systems include site development, building structure, building exterior and interior areas; mechanical, electrical, and plumbing systems, conveyance systems, life safety/fire protection, and general ADA compliance. Photographs were taken to provide a record of general conditions of the facility, as well as building code, safety, regulatory or environmental compliance inspection.

During the site visit we observed the interior spaces to determine their general character and condition, site personnel and/or property managers to add or confirm the general character of the construction, and made inquiries to the local building department and zoning department.

If any additional information is encountered concerning the facility, it should be forward to Mark Mitchell A.I.A. Architecture for possible re-evaluation of the assumptions, conclusions and recommendations presented herein. The recommendations provided herein are for observed conditions based on the understanding that the facility will continue operating in its present occupancy classification.

This Report is based on the evaluator's judgment on the physical condition of the components and their known ages. The conclusions presented are based upon the evaluator's professional judgment. The actual performance of individual components may vary from a reasonable expected standard and may be affected by circumstances that occur after the date of the evaluation.

The Report does not identify minor, inexpensive repairs or maintenance items, which are clearly part of the property owner's current operating budget as long as these items appear to be addressed on a regular basis. The report does identify infrequently occurring maintenance items of significant cost, such as exterior painting, deferred maintenance and repairs and replacements that normally involve major expense or outside contracting.

The following terms are used throughout the report and are defined as follows:

Excellent: New or Like New

Good: Average to above-average condition for the building system or material assessed, with consideration of its age, design, and geographical location. Generally, other than normal maintenance, no work is recommended or required.

Fair: Average condition for the building system evaluated. Satisfactory, however some short term and/or immediate attention is required or recommended, primarily due to normal aging and wear of the building system, to return the system to good condition.

Poor: Below average condition for the building system evaluated. Requires immediate repair, significant work or replacement anticipated to return the building system or material to an acceptable condition.

Unless stated otherwise in this report, the systems reviewed are considered to be in fair condition and their performance appears to be satisfactory.

1.4 Document Review and Interviews

Mark Mitchell A.I.A. Architecture and Planning was provided with the following documents for review:

- Tentative Map for: 4532-34 Felton Street.

The following people or organizations were interviewed by an agent of Mark Mitchell Architecture and Planning during the site visit or report preparation:

- Building manager/owner representative.

2.0 SYSTEM DESCRIPTION AND OBSERVATION

2.1 Overall General Description

This assessment observation was conducted on 11/13/2006 at 4532-34 Felton Street, San Diego, California. The subject property consists of one rectangular shaped parcel of land situated on the west side of Felton Street, approximately half a mile west of Interstate 805. The Subject Property consists of seven (7) apartment units in (1) one building.

The Building has three (3) apartment units on the first floor and four (4) on the second floor, totaling approximately 5,188 square feet. There are five (5) single parking spaces at the front, and four (4) enclosed single car garages with one (1) single parking space at the rear of the property for a total of ten (10) single car spaces.

The Building is constructed with conventional wood framed two-story on a concrete slab on grade. The roof framing is conventional with a combination of shed and flat style roof structures and covered with concrete (s) roof tile at the front elevation and built-up low slope membrane over the main roof. All exterior walls are finished with painted stucco.

According to title information, the Building was constructed in 1986.

The Subject Property provides six (6) single parking spaces and five (5) single parking garages located at the front and rear of the property, no visibly designated ADA accessible parking spaces were observed.

Typical interior finishes includes painted drywall/plaster walls and sprayed acoustic ceilings. Wood laminated cabinets and plastic laminated countertops at the kitchen. The bathrooms have wood cabinetry and culture marble countertops. Flooring consists of carpet on all bedrooms and living areas and vinyl tile flooring on all baths and kitchen floors.

2.2 Site Visit

A professional associate of Mark Mitchell A.I.A. Architecture and Planning performed the site visit portion of this property condition assessment on 11/13/2006. The following summarizes the building systems evaluated:

- Site Development
- Building Structure
- Building Exterior
- Building Interior
- Mechanical System
- Electrical System
- Plumbing Systems
- Conveyance System
- Life Safety/Fire Protection
- ADA Compliance

2.3 Site/Site Improvements

2.3.1 Topography

Description:

Site topography is generally flat.

Observations/Comments:

Site topography is in fair overall condition. When concrete flat work areas near buildings are replaced they should be sloped away from building for increased site drainage protection.

2.3.2 Storm Water Drainage

Description:

Storm water from the subject property drains via aluminum gutters and downspouts into landscape/hardscape areas and rear alley.

Observations/Comments:

Gutters and downspouts need to be repaired or replaced and drained to landscape/hardscape areas and rear alley.

2.3.3 Paving Type/Age

Description:

The front and rear of the property have concrete parking driveways. The north and south yards have concrete walkways.

Observations/Comments:

The concrete walkways on the north and south side of the property appeared to be in good condition with some minor cracks that need to be repaired. The parking driveways located at the front and the rear of the property are consistent with the era of construction and where there are observed cracks. The rear alley driveway shows minor cracks that will need repair. The front driveway facing Felton Street shows major cracks and will require new pavement.

2.3.4 Curbs

Description:

Curbing along adjacent sidewalks/public street is constructed of six inch wide by two and a half inch high, cast in place concrete.

Observations/Comments:

Curb appears to be in fair condition. There were some observed cracks along the curb that will need to be replaced.

2.3.5 Pavement Striping

Description:

No pavement striping was observed at the front or rear parking areas at the time of visit.

Observations/Comments:

Pavement striping shall be painted for all parking areas.

2.3.6 Flatwork/Steps/Railing

Description:

The front, rear and side yards are improved with concrete pedestrian flatwork walkways. Railing is described on the Stairs section of the report.

Observations/Comments:

The flatwork areas on the north and south side yards appeared to be in good condition and where there are observed cracks, this damaged areas need to be repaired and sealed, as well as routine maintenance for the remaining life of the building.

2.3.7 Landscaping and Appurtenances

Description:

The Property contains several in-grade level planters located on the front driveway, facing Felton Street.

Observations/Comments:

The landscape areas appeared to be in fair condition.

Recommend planting ground cover on existing areas, once the areas are landscaped routine maintenance/ replacements should be anticipated for the remaining life of the property.

2.3.8 Utilities

Description:

The necessary utilities are installed and available at the site and appear adequate for current property needs. The City of San Diego provides domestic water to the property with one meter located rear alley. San Diego Gas and Electric provides gas and electrical services to the site. The property has eight (8) electrical meters, eight (8) gas meters and one (1) main water meter.

Telephone service has been provided to the Subject Property.

There is a common laundry room with one coin operated washer and dryer and one 98 gal. water heater that serves all seven units.

Observations/Comments:

The water heater plumbing line connections appeared to be corroded and recommend replacement. The water heater tank should be properly secured to the structure.

UTILITY	PROVIDER	ISSUE/ADEQUACY
Electric	San Diego Gas and Electric	Circuit boxes at exterior walls. Adequate supply to units.
Sewer	City of San Diego	Adequate.
Water	City of San Diego	Adequate
Gas	San Diego Gas and Electric	Adequate.
Telephone	Unconfirmed	Adequate.

2.3.9 Site Lighting

Description:

Site lighting consists of wall-mounted fixtures and flood lights on the front, rear and south side yards of the property, the north side yard has only wall mounted fixtures.

Observation/Comments:

Recommend installation of new, power saving, wall mounted fixtures and flood lights on all elevations of the building.

Recommend routine maintenance / replacements are anticipated for the remaining life of the buildings.

2.3.10 Waste Storage Area

Description:

At the time of the visit, the waste storage area was located on the northwest corner of the building, in front of a single parking space.

Observations/Comments:

None

2.3.11 Site and Building Signage

Description:

Site identification number is located on the front wall of the building.

All units in the building have wall mounted identification numbers.

Observations/Comments:

None

2.3.12 Retaining Walls

Description:

No retaining walls are part of the property.

Observations/Comments:

None.

2.3.13 Other Site Amenities/Recreational Facilities

Description:

None

Observations/Comments:

None

2.4 Structural Frame and Building Envelope

2.4.1 Substructure

Description:

Mark Mitchell AIA Architecture and Planning was not provided with any architectural/structural drawings for review. Also, the foundation, floor framing and wall construction were not accessible for observation.

Observations/Comments:

The floors at ground level units and second floor units were consistently even and level.

2.4.2 Superstructure

Description:

Mark Mitchell AIA Architecture and Planning was not provided with any architectural/structural drawings for review. Therefore, based on our limited observations, the structural components of the building construction was not accessible for observation.

Observations/Comments:

Visible structural elements are in fair condition. We recommend that the owner provide termite clearance for the buildings.

2.4.3 Facades

Exterior Walls

Description:

The Building has a combination of stucco finish with a shed style roof structure covered with concrete (s) roof tile on the front elevation facing Felton Street, the south elevation is composed of stucco, wood guardrails and a combination of shed and flat roof style structures, the rear or west elevation has stucco finish, wood garage doors with shed and flat roof style structure.

The north elevation has stucco finish with a shed and flat roof styles.

Observations/Comments:

The exterior stucco and wood finishes were observed to be in good condition with some areas of damaged stucco finish that will need to be repaired and re-plastered. Exterior painting is consistent with the era of construction and was observed to be in fair

condition due to weather and water stains from roof drainage. Recommend re-paint, repair or replacement of aging elements and periodic repainting and maintenance for the remaining life of the buildings.

Windows

Description:

The building has single pane, aluminum frame, slider windows on all sides of the building.

Observations/Comments:

Routine maintenance and sealant joint replacements should be anticipated for the remaining life of the building.

Doors/Frames

Description:

All units are composed of both wood construction doors on wood frames and metal screened doors on metal frames at all entries.

Observations/Comments:

Exterior doors are in fair overall condition. Exterior doors exhibit moderate wear and tear. We recommend repairing or installing new weather-stripping. Routine maintenance should be anticipated for the remaining life of the doors.

2.4.4 Roofing

Roof Type

Description:

The building has a combination of flat and shed style roof structures covered with built-up roof membrane and concrete (s) roof tile.

Observations/Comments:

The owner's representative reported recent waterproofing repairs to the roof.

Continued maintenance is recommended.

Active Leaks

Description:

There were no reported or visible active leaks at the time of our assessment.

Observations/Comments:

None.

Roof Drainage

Description:

The roof drains into scuppers through the perimeter into collector heads and downspouts. The downspouts are tight lined into the front of the property and landscape areas.

Observations/Comments:

Care should be taken to maintain and improve proper roof drainage.

Warranty

Description:

Not applicable

Observation/Comments:

None.

2.4.5 Stairs

Description:

The building contains two (2) staircases located on the south facing elevation.

The staircases are composed of open concrete treads with 36" high wood guardrails.

Observations/Comments:

The concrete stair treads were in good condition and continued maintenance will be required. The raise of each step is less than 8".

The guardrails are consistent with the era of construction and were observed to be in fair condition. We recommend replacement of structural elements or repair and repaint as required. It is also important to note that some wood guardrails are structurally weak and it would be advisable for the owner to install structurally sound guardrails to meet current code requirements.

2.4.6 Balconies/Patios/Elevated Walkways

Description:

The building has only one balcony attached to Unit No.4 facing Felton Street.

Observations/Comments:

None

2.5 Mechanical, Electrical & Plumbing

2.5.1 HVAC Systems

Description:

All residential units have wall mounted gas heaters in the living room/hall areas.

Observations/Comments:

Owner to confirm that the systems operate and routine maintenance of all heating units for the remaining life of the building.

2.5.2 Electrical Systems

Description:

The electrical service is provided by San Diego Gas and Electric. The Building has a main distribution panel with single phase (2) 30 amps per breaker per unit and provides transformed 240/120 volt service to each residential unit, total of 8 electrical meters.

Each unit is separately metered with a sub-panel located inside the same main distribution panel. Telephone trunk lines are present.

Observations/Comments:

Code compliant GFCI or AFCI outlets shall be installed where required by code at all breakers, kitchens, bedrooms, baths and exterior locations.

2.5.3 Plumbing Systems

Piping systems

Description:

The plumbing systems were observed to be copper for water lines and pvc for waste lines in all exposed areas.

Observations/Comments:

Replace water heater plumbing lines and continue routine maintenance including cleaning of waste lines is recommended for the remaining life of the buildings.

Domestic Hot Water

Description:

The City of San Diego provides the cold water supply to the Subject Property. Water piping was observed to be copper in exposed areas. Hot water is provided to all seven (7) units by one 98-gallon water heater located in the laundry room.

Observations/Comments:

Secure the water heater to the building as required by building code regulations.

2.6 Vertical Transportation/Conveyor Systems

2.6.1 Elevators

Description:

None.

Observations/Comments:

None.

2.6.2 Escalators

Description:

None.

Observations/Comments:

None.

2.7.1 Fire/ Life Safety

Description:

Smoke detectors were observed at some units at any area at the time of our assessment.

Observations/Comments

Owner shall install hard wired battery back up smoke detectors in all bedrooms and living rooms as required by code.

2.7.1 Fire Sprinklers

Description:

The property is not equipped with a fire sprinkler system.

Observations/Comments:

None.

2.7.2 Life Safety/Alarm Systems

Description:

The units and buildings do not have a fire alarm system. Fire extinguisher cabinets were observed at the exterior of the building.

Observations/Comments:

None.

2.8 Interior Elements

2.8.1 Room Mix

Description:

One two-story 7-unit building		
Two Bdrm / Two Bath	5	783 S.F.
Two Bdrm / One Bath	1	783 S.F.
One Bdrm / One Bath	1	661 S.F.

The Building has five (5) units with two bedrooms, two bathrooms with kitchen, living room and dining area.

The Building has one (1) two bedrooms, one bathroom, kitchen, living room and dining area.

The Building has one (1) one bedroom, one bathroom, kitchen and living room area.

Observations/Comments:

None.

2.8.2 Viewed Spaces

All common areas and four of eight residential units were observed.

APARTMENT UNITS OBSERVED: 7		
OCCUPIED UNITS OBSERVED: 7		
Unit	Type	Comments/Issue
Unit No. 1	2 Bedrooms / 1 Bathroom	Fair condition; needs new paint , fixtures, appliances cabinetry and smoke detectors
Unit No. 2	1 Bedroom / 1 Bathroom	Fair condition; needs paint, cabinetry repairs appliances and smoke detectors
Unit No.3	2 Bedrooms / 2 Bathrooms	Good condition; needs Cabinetry repairs and smoke detectors
Unit No. 4	2 Bedrooms / 2 Bathrooms	Good condition; needs cabinetry repairs and smoke detectors
Unit No.5	2 Bedrooms / 2 Bathrooms	Fair condition; needs cabinetry repairs, bath fixtures, appliances and smoke detectors.

Unit No. 6	2 Bedrooms / 2 Bathrooms	Good condition; need interior painting cabinetry and closet door repair. smoke detectors
Unit No.7	2 Bedrooms / 2 Bathrooms	Good condition; needs cabinetry repairs. smoke detectors
VACANT UNITS OBSERVED: 0		
DOWN UNITS OBSERVED: 0		

2.8.3 Floor Coverings

Description:

Floor coverings consist of carpet in the living and bedroom areas, sheet vinyl flooring on all kitchens and bathrooms that appeared to be in overall fair condition.

Observations/Comments:

The laundry room at the time of visit appeared to be in fair condition with worn-out vinyl flooring.

The sheet vinyl flooring on all areas are in fair condition and we recommend replacement.

2.8.4 Ceiling and Walls

Description:

Typical interior finishes includes painted drywall/plaster walls and sprayed acoustic ceilings.

Observations/Comments:

Interior finishes were observed to be in fair to good overall condition. Interior finishes exhibited some minor stains on walls. Recommend routine maintenance, which would include interior painting for the remaining life of the buildings.

2.8.5 Appliances and Cabinetry

Description:

Appliances provided in each residential unit consists of a gas range, electrical dishwasher and refrigerator.

Cabinetry consisted of wood laminated cabinets and countertops in all kitchen areas. The bathrooms have wood cabinetry and cultured marble countertops.

Observations/Comments:

Appliances were observed to be in poor condition.
We recommend installing new energy efficient models.

Cabinetry at the time of visit appeared to be in poor to fair condition.
Recommend repair or replacement of all cabinetry on all units.

3.0 ADA COMPLIANCE

The review of this Subject Property for compliance with state and local accessibility requirements is beyond the scope of this report.

The scope of this report is limited to a general overview of the subject property improvements common public areas (of improvements considered to be "Public Accommodations") based upon the requirements of Title III of the Americans with Disability Act (ADA). Per Title III, disabled persons are to be provided accommodations and access equal to, or similar to, that available to the general public and requires that architectural and communication barriers in existing public accommodations be removed if they are "readily achievable" and are not an "undue burden".

Most states and local municipalities have adopted accessibility requirements that, in some cases, may be more stringent than the ADA.

Any "place of public accommodation", which is designed and constructed for first occupancy after January 26, 1992 is required to be compliant with ADA requirements.

This section will identify certain obvious items that do not appear to be in general conformance with the Title III requirements; without inferring that correction of the reported items will bring the property into total compliance with the ADA. While opinions of cost to correct or remove noted barriers are provided herein, they do not constitute an opinion that elimination of the barriers is "readily achievable" and not an "undue burden" as defined by the ADA. The owner must determine this issue. The ADA is not intended to affect the contractual responsibilities existing in lease agreements between owners and tenants. Typically, the tenant is responsible for review and making readily achievable accommodations in its own lease/work space while the owner is responsible for the common areas of the improvements.

Given the age of buildings, it is not in compliance with the current minimum ADA guidelines specifically as it relates to areas of "Public Accommodations" such as apartment unit access, parking and restrooms. Additionally, no major renovations to the Subject Property were reported to have been done after January 26, 1992. Therefore, Title III of the ADA does not apply to this property at this time.

It is important to note that the ADA was enacted as a guideline for designing new buildings and was not necessarily intended to serve as a regulation for existing buildings. Therefore, implementation of certain upgrades may not necessarily be mandated due to "grandfather clauses" and/or "undue hardships" involved in satisfying ADA standards. Upgrades and/or retrofits would most likely be required only in the event of significant property remodeling, reconstruction or use/occupancy reclassification. The extent of any upgrade requirements would be subject to interpretation by any number of city, state or federal agencies.

Corrections, if mandated, of these condition should be addressed from a liability standpoint and are not considered code violations. The guidelines are civil rights issues as they pertain to the disabled.

5.0 LIMITATIONS

Property Condition Assessment reports are observation in nature. Information contained in this report was obtained by means of site observations, interviews and Client-provided documents and information. Evaluation by visual observation is specifically limited to those items or components that are readily accessible and visible to the unaided eye. No testing, neither destructive nor non-destructive, was performed, and no calculations were performed to determine the capacities of the existing building systems. The observation of concealed or inaccessible areas of the subject property, which would have required the use of destructive investigation, was beyond the contracted scope of services.

The information presented in this report represents the condition of the subject property at the time of site visit. Other issues may develop with time that were not evident at the time of this assessment. Mark Mitchell A.I.A. Architecture and Planning has prepared this assessment using the degree of care and skill ordinarily exercised under similar conditions by reputable consultants performing due diligence in this or similar localities. No other expressed or implied warranty is made regarding the content of this assessment.

The section "Out of Scope Considerations" of the ASTM "Standard Guide for Property Condition Assessments: Baseline Property Condition Assessment Process" (ASTM E 2018-01) is incorporated by reference.

Items identified as requiring action are so noted. Conclusions and recommendations should be not construed in any way to constitute a warranty or guarantee regarding the current or future performance of the facility. Costs to perform work should be provided by a licensed contractor skilled the that particular trade or type of work

This report is intended to be read in whole. Information provided in the various sections is complementary and in some instances provides additional explanation of information concerning the assessment. Therefore, interpretations and conclusions drawn by reviewing only specific section are the sole responsibility of the user.

The representations regarding the status of ADA Title III compliance were based on visual observation and without any physical measurement and, thus are only intended to be a good faith effort to assist the owner/client by noting non-conforming conditions.

Owner/client has the right to reproduce in full and provide copies of the assessment report to interested parties including the owner's/client's agents, bond rating agencies, and exiting/potential loan or loan-pool participants. All reports, both verbal and written, are for the benefit of owner/client and its agents, employees, participants, and assigns.

This report is addressed to the owner/client, such other persons as may be designated by owner/client and their respective successors and assigns.

Special conditions include (i) the report may be relied upon owner/client in determining whether to make a loan evidenced by a note ("the Property Note") secured by the subject property, (ii) the Report may be relied upon by any purchaser in determining whether to purchase the property note from owner/client and any rating agency rating securities issued by or representing an interest in the Mortgage Note, (iii) the report may be referred to in and included with materials offering for sale the property note or an interest in the property note, (iv) persons who acquire the property note or an interest in the property note may rely on the report, (v) the report speaks only as of its date in the absence of a specific written update of the report signed and delivered by contractor. This report has no other purpose and may not be relied upon by any other person or entity without written consent of Mark Mitchell Architecture and Planning and Sterling Land Services, Inc.

Owner: Richard Mansur, Trustee of
Richard Mansur Trust of 2004
2911 Upshur Street
San Diego, CA. 92106-3029

Regarding: Residential Units
4532-34 Felton Street
San Diego, CA. 92116

Legal: Lot 18 in block 64 of the Resubdivision of Blocks 39 and 56 of Normal Heights, in the City of San Diego, County of San Diego, State of California, according to the Map. thereof No. 1048, file in the office of the County recorder of San Diego County, May 10, 1907.

APN: 447-521-23-00

Mark Mitchell, A.I.A. Architecture and Planning is pleased to provide this Building Conditions Report for the property at 4532-34 Felton Street, located in San Diego, CA. This assessment was preformed in general accordance with the City of San Diego's scope of work for Building Conditions Reports.

We appreciate the opportunity to provide our services. If you have any questions concerning this report or if we can assist you in any other matter please contact us.

Sincerely,

Mark Mitchell, A.I.A.
Architect
CA Lic. # C 21058

MARK MITCHELL A.I.A.
ARCHITECTURE & PLANNING

BUILDING CONDITIONS REPORT

Project Type and Address:

Residential Units
4532-34 Felton Street
San Diego, CA. 92116

Report Issue Date:
November 13, 2006

Appendix A

Photographs



Property Site: East facing elevation (Front).



Property Site: West facing elevation (Rear).



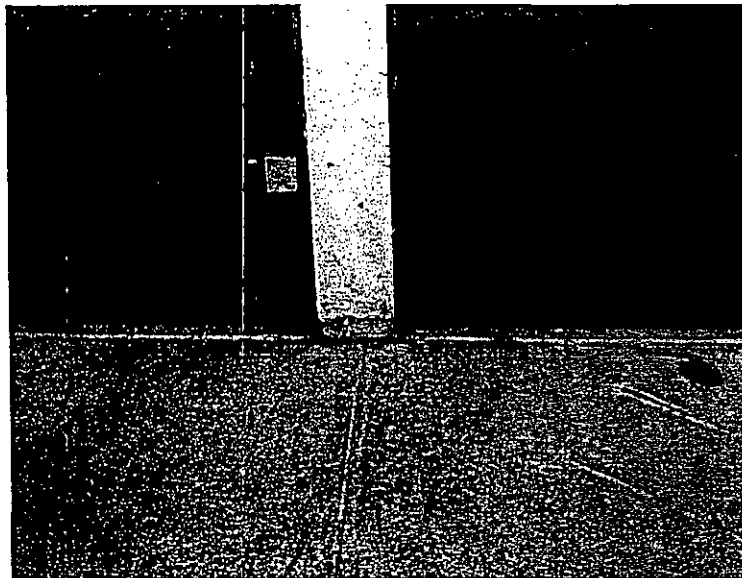
Property Site: North facing elevation.



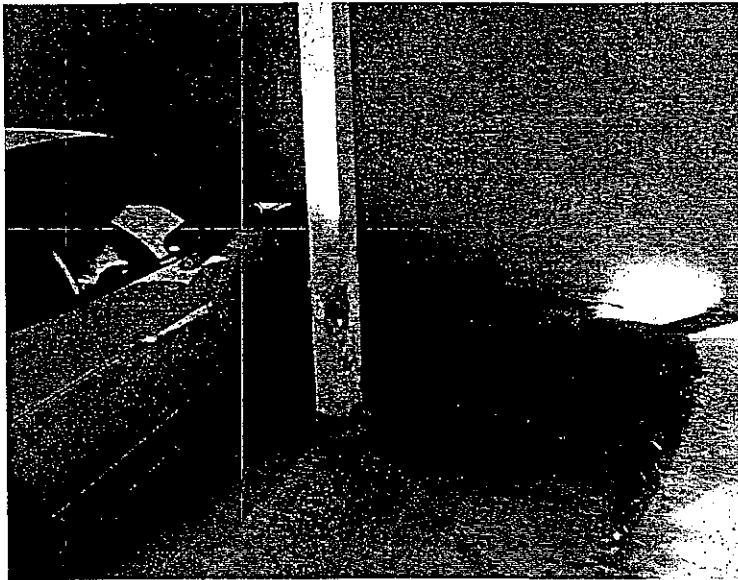
Property Site: South facing elevation.



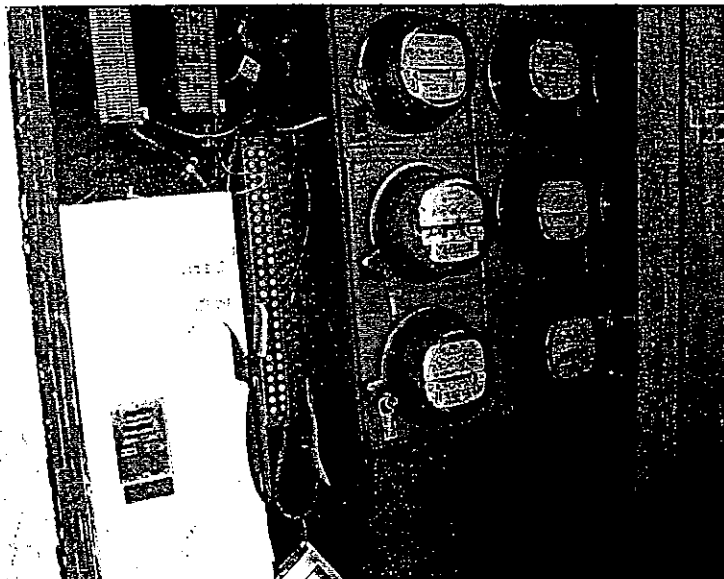
Cracking on concrete at front driveway.



Cracking on concrete at rear driveway.



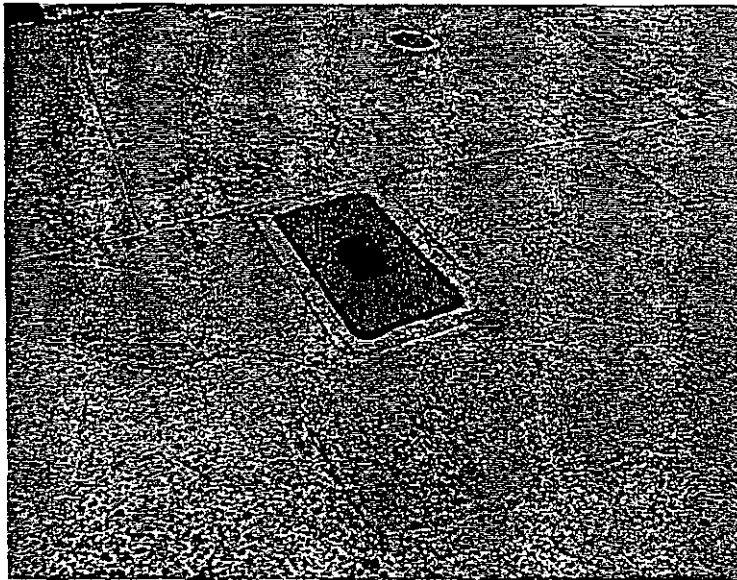
Damaged column at front driveway.



Electric Meters located on the southwest corner of the building.



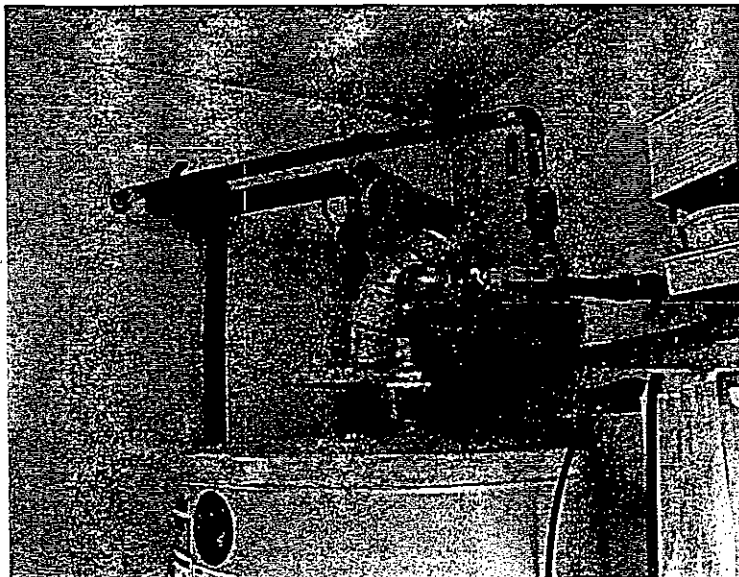
All gas meters on located on the southwest corner of the building.



Water meter located on the rear alley driveway



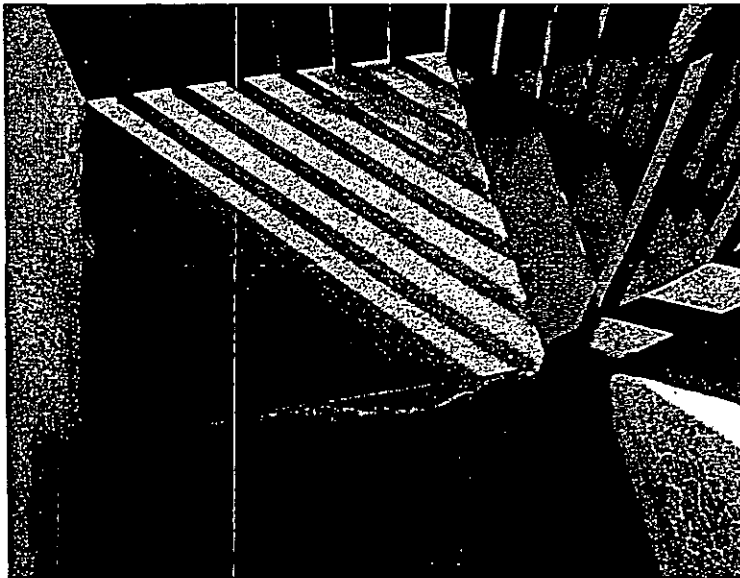
Laundry Room: Located in the south west portion of the building.



Laundry Room: Unstrapped water heater tank to the structure.



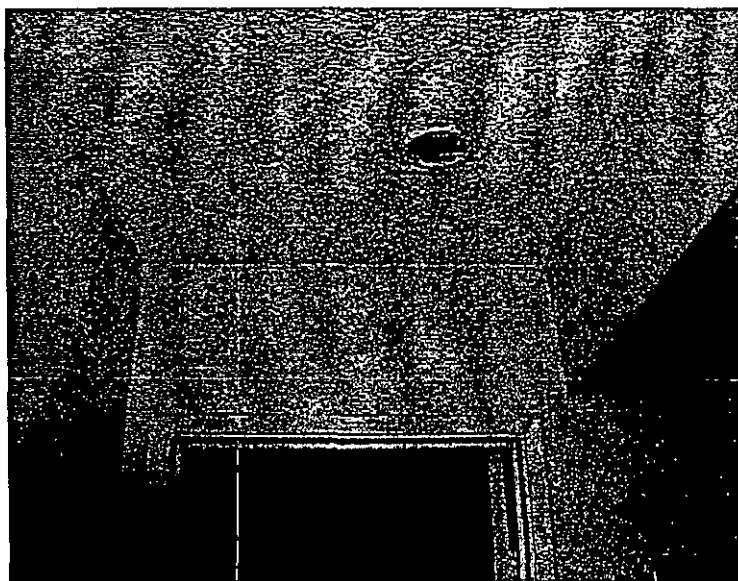
Concrete cracks at south courtyard



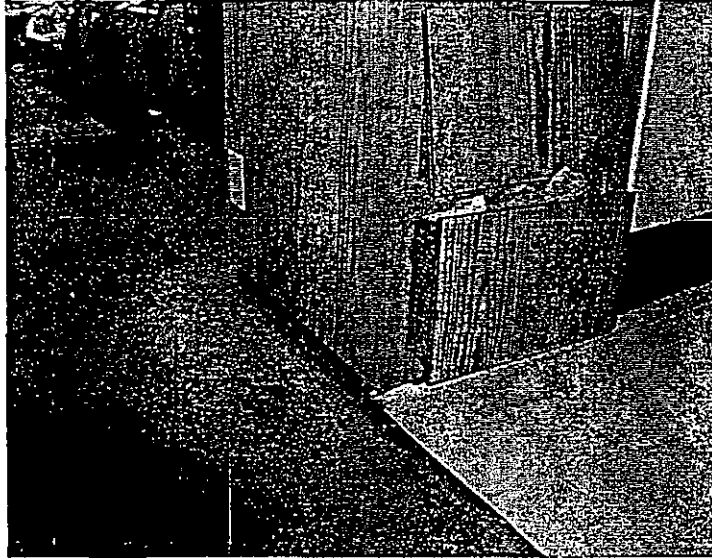
Worn-out sufaces at building stairs



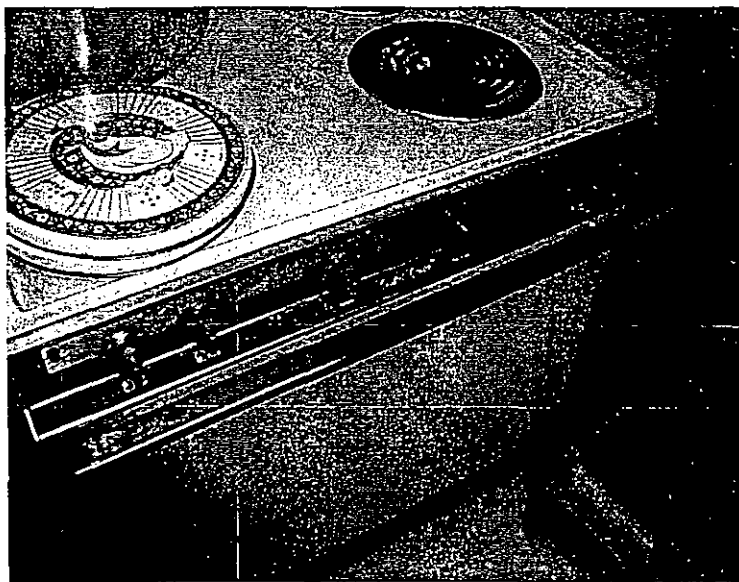
Building Entry to Apartment No. 1



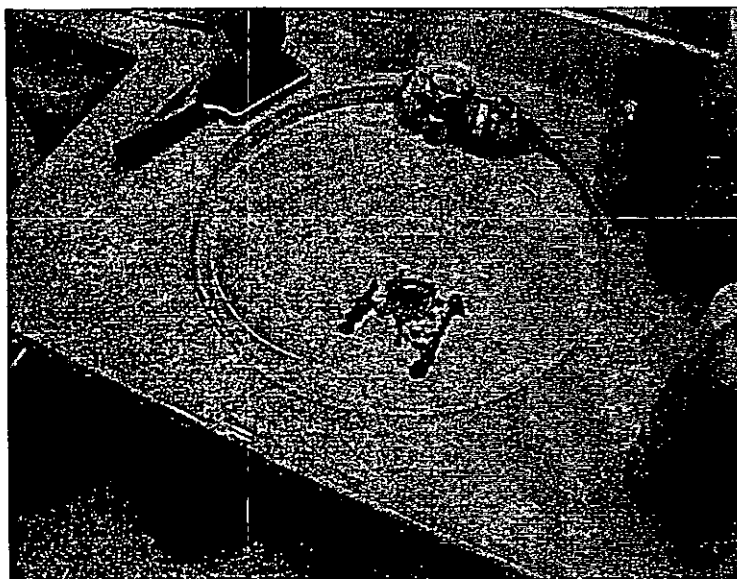
Apartment No.1: Disabled smoke detector at hall.



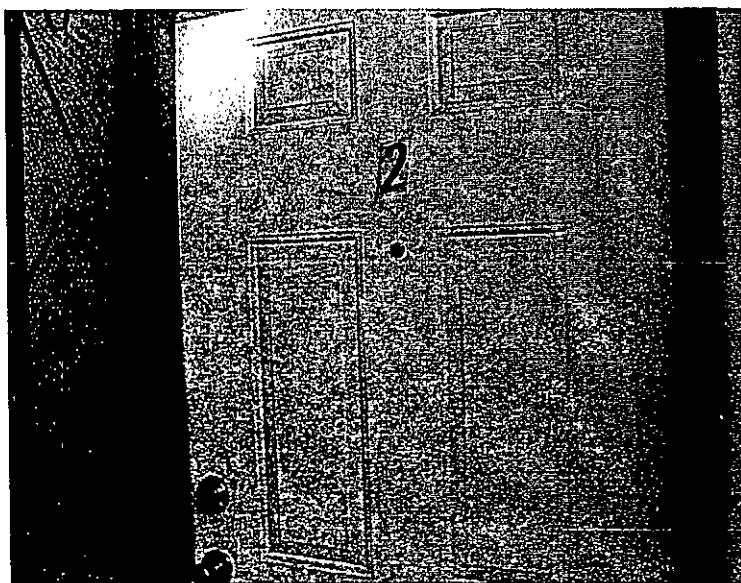
Apartment No.1 Cabinetry in poor condition.



Apartment No.1: Aged appliances.



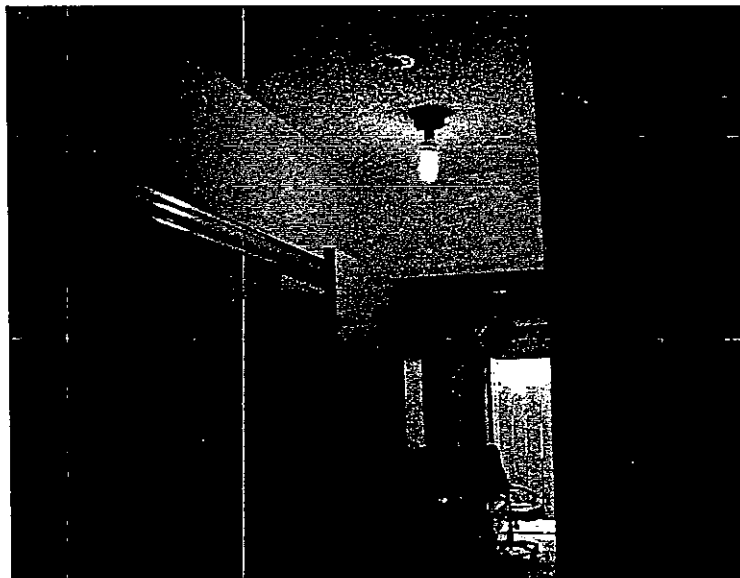
Apartment No. 1 Aged and rusted bathroom fixtures.



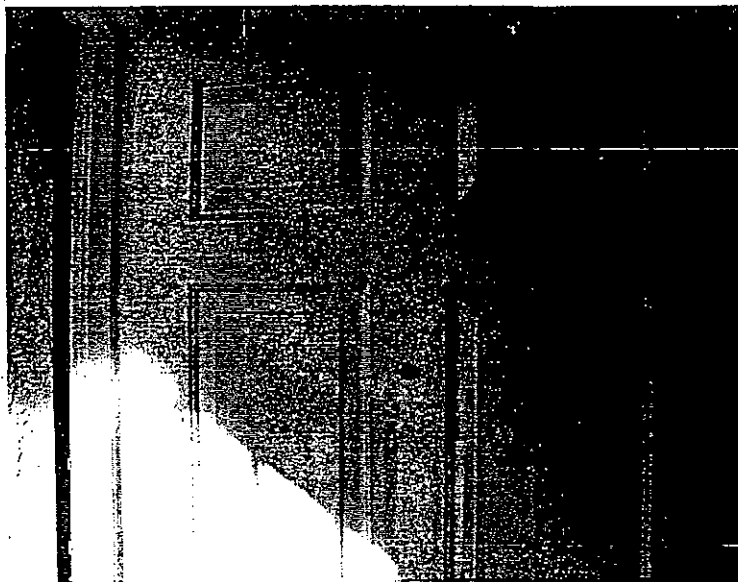
Building Entry to Apartment No.2



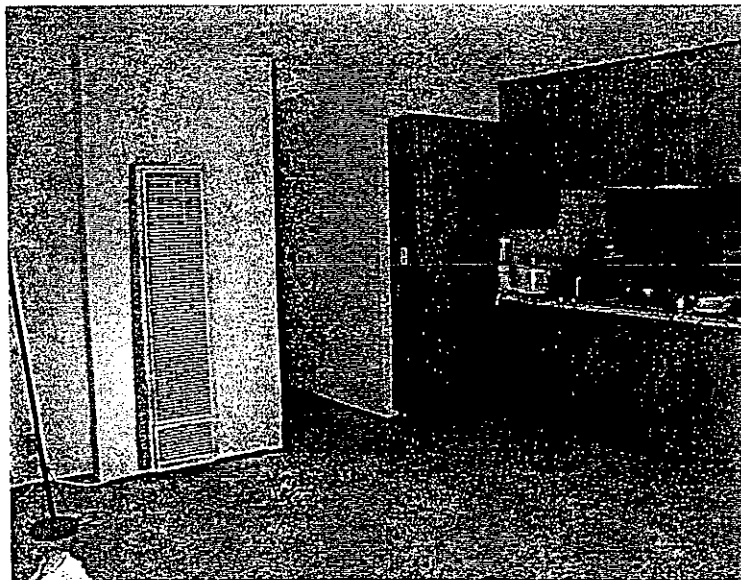
Apartment No. 2: Stained carpet at living room.



Apartment No.2: Improper lighting at hall and disabled smoke detector.



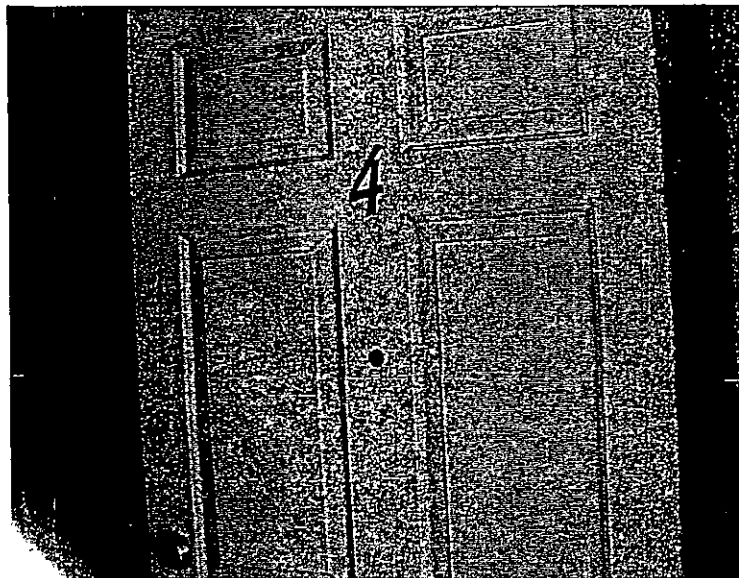
Building entry to Apartment No. 3



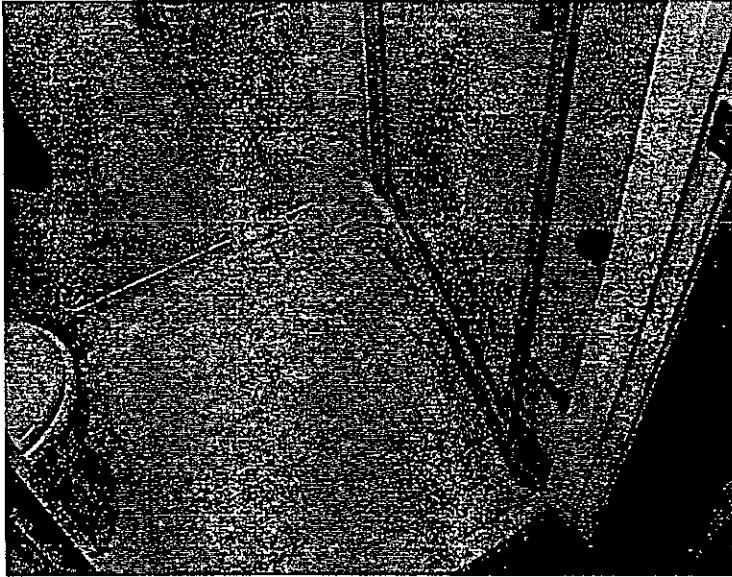
Apartment No. 3 Living room.



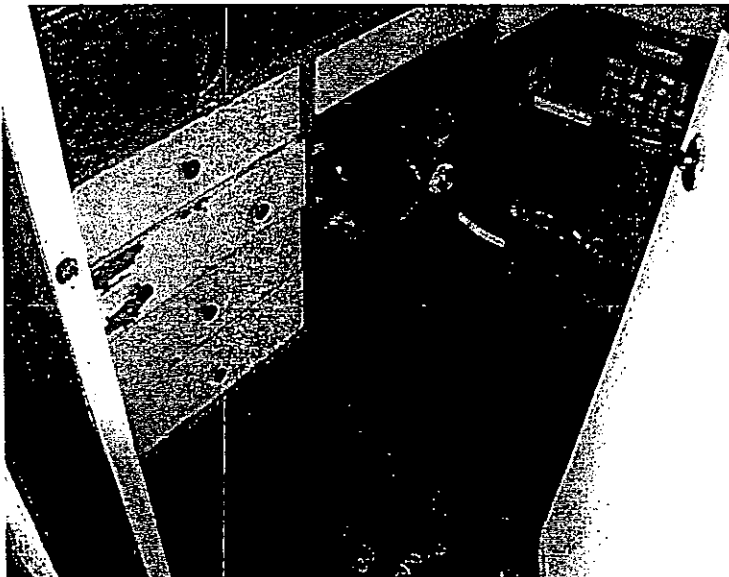
Apartment No.3 Bathroom.



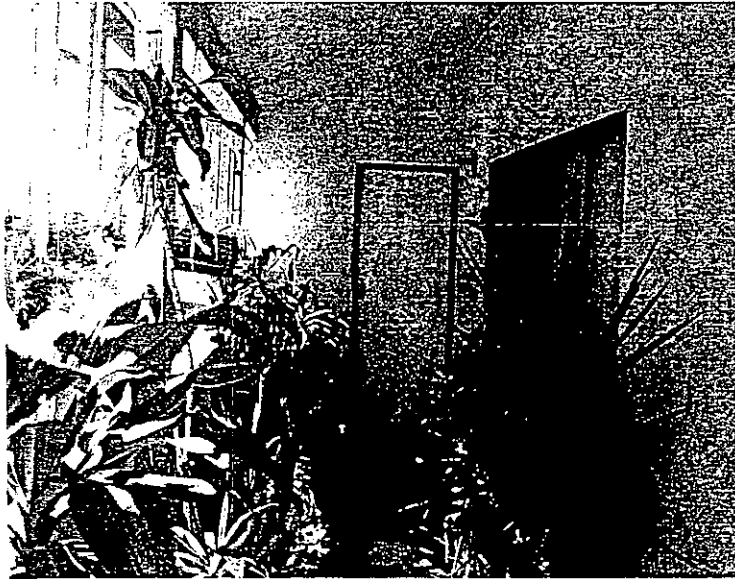
Building entry to apartment No. 4



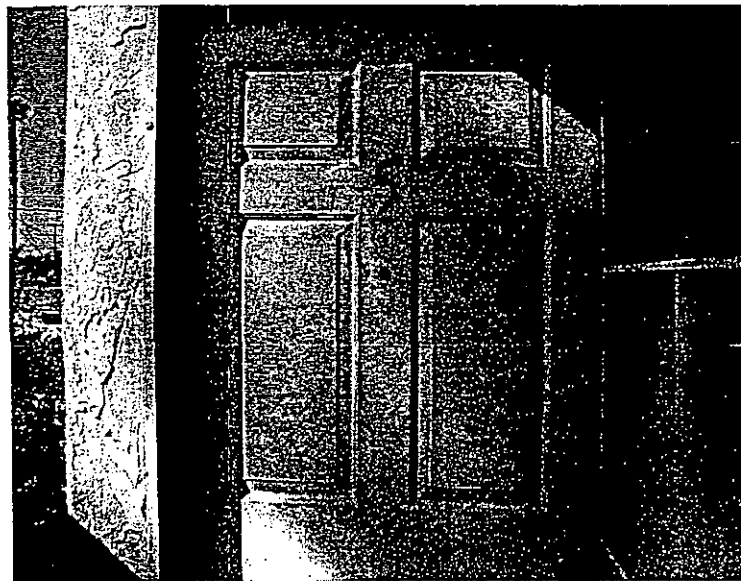
Apartment No. 4: Aged vinyl tile at bathroom.



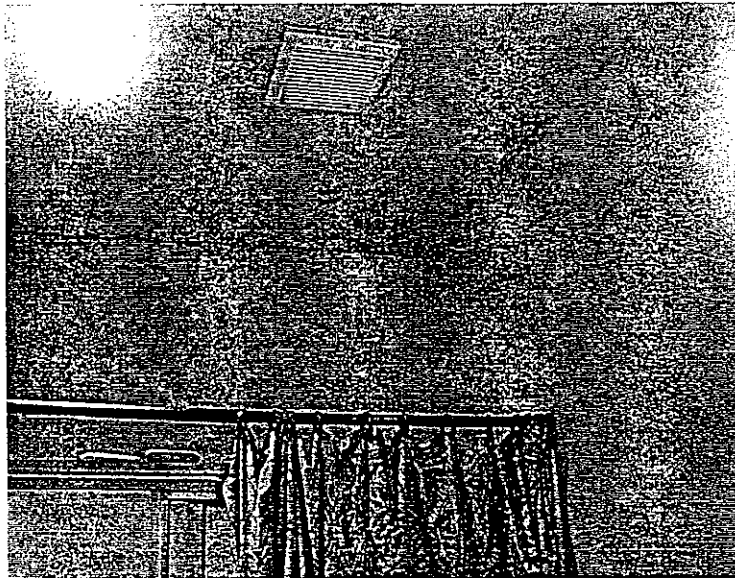
Apartment No. 4: Worn-out cabinetry at storage room.



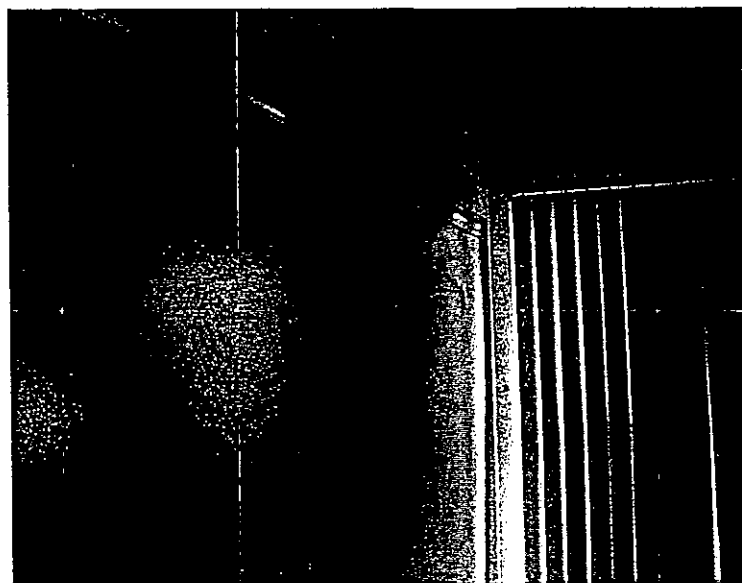
Apartment No. 4 : Balcony facing Felton Street.



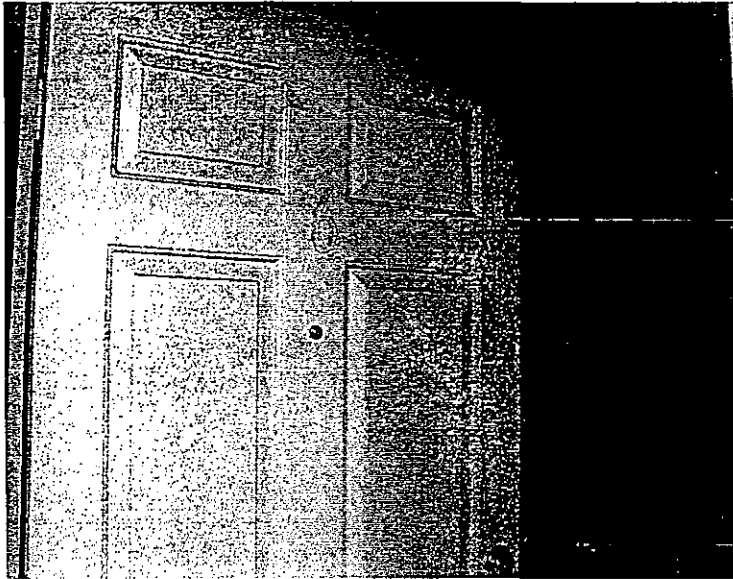
Building entry to apartment No. 5



Apartment No.5: Humidity at bathroom ceiling.



Apartment No. 5: Closet doors at bedroom.



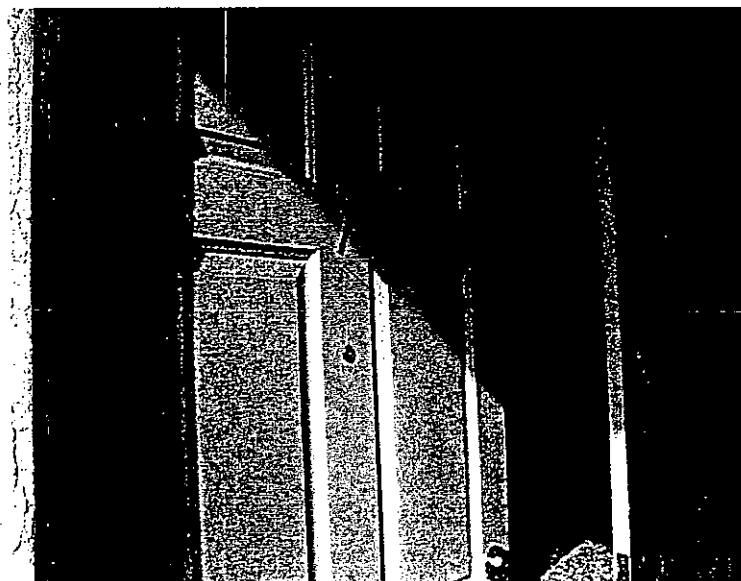
Building entrance to apartment No. 6



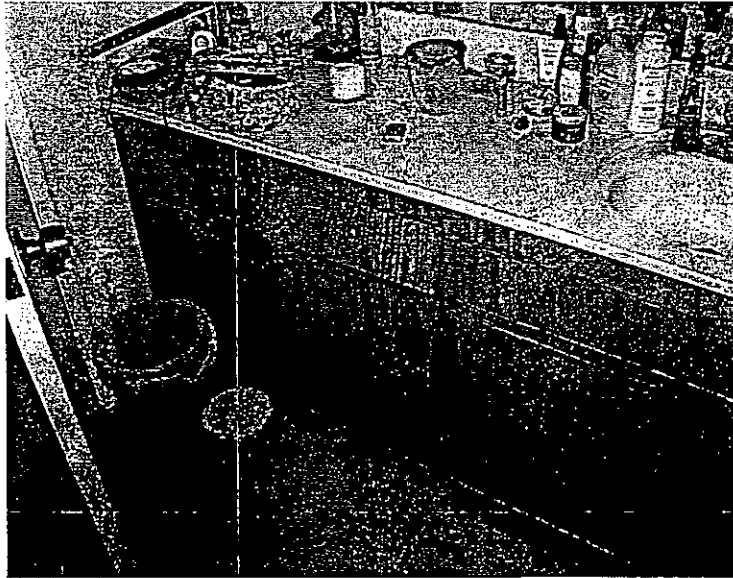
Apartment No.6: Damaged portion of the bathroom wall.



Apartment No.6: Spotted Ceiling at corners and aged smoke detectors.



Building entry to apartment No.7



Apartment No. 7: Stained carpet at Bathroom.



Apartment No.7: Rusted and aged shower doors.



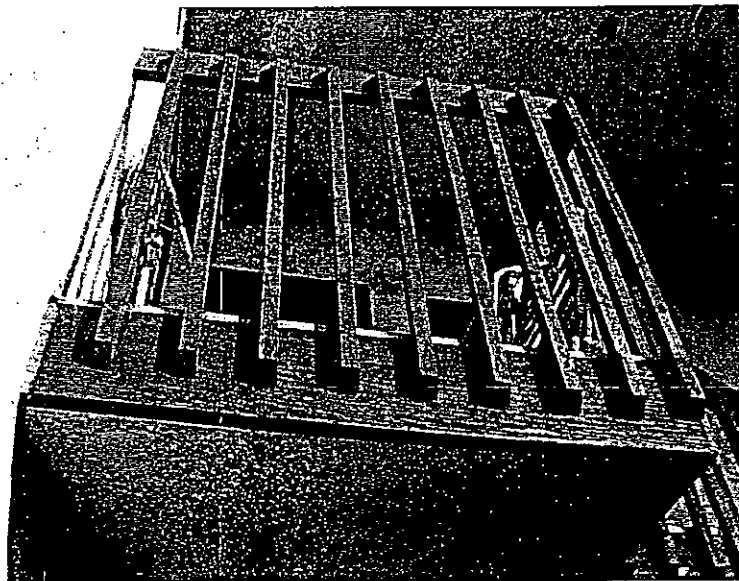
Building Signage facing Felton Street.



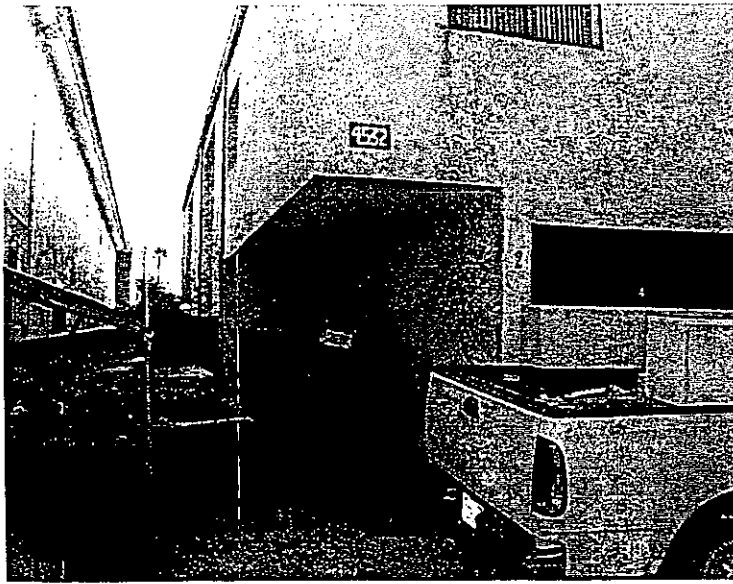
Landscape areas at the front of the property.



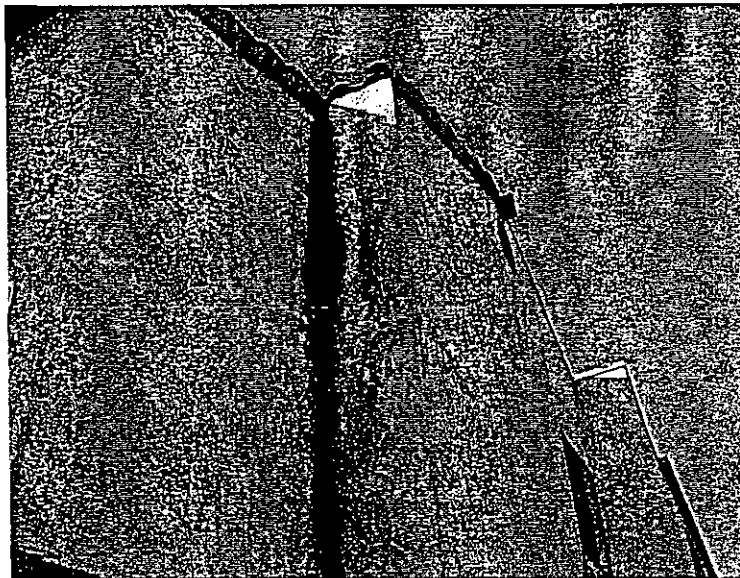
Damaged downspout at front driveway



Structurally weak and aged wood guardrails



Waste storage space at the rear of the building



Water stained wall from roof drainage